



COTTONWOOD HEIGHTS

PLANNING COMMISSION STAFF REPORT

AUGUST 06, 2008



COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a **Regularly Scheduled Meeting** beginning at 7:00 p.m. on **Wednesday, August 6, 2008**, in the Cottonwood Heights City Council Chamber located at 1265 East Fort Union Blvd., Suite 250 (work session) and Suite 300 (business meeting), Cottonwood Heights, Utah.

5:45 p.m. WORK SESSION (suite 250)

7:00 p.m. BUSINESS MEETING (suite 300)

1.0 WELCOME/ACKNOWLEDGEMENTS – Chairman

2.0 CITIZEN COMMENTS

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting)

3.0 PUBLIC HEARINGS

3.1 The Planning Commission will receive public comment on a conditional use permit for a day care/preschool requested by Pearl and George Garff located at 7304 Jonathan Drive. This is a request for a home based day care/pre-school to be located in the home of the applicants with no more than 12 students.

3.2 The Planning Commission will receive public comment on a request by McCown E. Hunt for a general plan amendment at 6800 and 6814 S. Highland Drive. The applicant proposes to change the general plan designation from low-density residential to residential office.

4.0 ACTION ITEMS

4.1 The Planning Commission will take action on a request by Gary Harrison for the Canyon Racquet Club at 7350 South Wasatch Blvd. Mr. Harrison has requested a change of zoning at the Canyon Racquet Club from Regional Commercial to Mixed-Use. This item was continued from the July 2, 2008 Planning Commission meeting.

5.0 DISCUSSION ITEMS

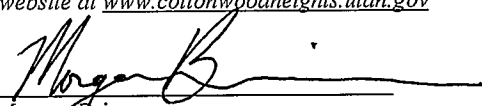
5.1 The Planning Commission will review and discuss the draft document *Making Effective Public Comments: A Citizen's Guide to the Public Process Regarding Planning Applications*.

6.0 PLANNING DIRECTOR'S REPORT

- report on upcoming public hearings
- update on the progress of the City Center Master Plan

6.1 ADJOURNMENT

On Friday, August 01, 2008, at 4:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Planning Department. A copy was also faxed or emailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city internet website at www.cottonwoodheights.utah.gov


Morgan Brim
Planning Technician



Item 3.1 Public Hearing: Conditional Use Request – 7304 Jonathan Drive

File Name:	08-043 Garff Preschool
Application Received:	July 17, 2008
Meeting Date:	August 6, 2008
Public Hearing Date:	August 6, 2008
Location:	7304 Jonathan Drive
Request:	Conditional Use Permit for a Home Day Care/Preschool
Owner/Applicant:	Pearl and George Garff
Agent:	George Garff
Staff:	Morgan Brim, Planning Technician

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the “City”) require City staff to prepare a written report of findings concerning any conditional use permit request application for a home Day Care/Preschool. This report provides preliminary information regarding the conditional use for a Home Day Care/Preschool being applied for by this applicant. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in Title 19, Section (19.76.260) Home Day Care/Preschool in the Cottonwood Heights Code of Ordinances.

Pertinent Issues Regarding this Conditional Use Permit Request

Applicant's Request

The applicant is requesting a Conditional Use Permit for a Day Care/Preschool for up to 12 children. The applicant indicates that the hours will operation will be between 7 am and 7 pm. Children will be instructed with in the home and will have recess in the north side yard of the property. The north side yard and front yard currently are connected. A five foot fence encloses that front.

Neighborhood/Public Position on the Request

At the time of the staff report, staff had not received any comment with regard to the conditional use request. The applicant has informed staff that they have informed nearby residents of the proposed conditional use. According to the applicants residents were not opposed to a home day care or preschool. A report will be given at the time of the meeting to further update the commission of any other concerns that may have been received. The public hearing was noticed as City code requires. A written notice was

mailed to all property owners within 300 feet of the applicant's property at least 8 days prior to the public hearing.

Staff Observation and Position on the Request

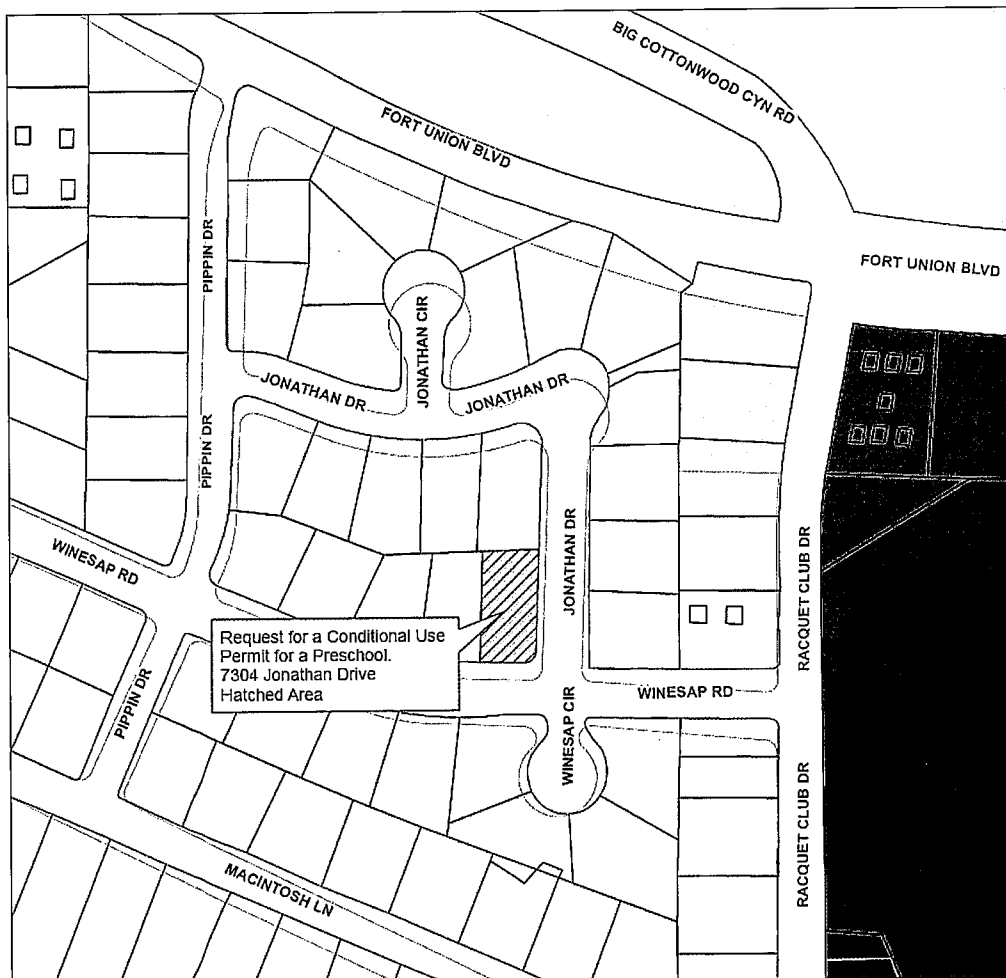
Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, feels we have shown reasonable diligence in processing the application.

Site Layout

Location of the proposed conditional use is a single family home. The total acreage of the lot is just over .2 acres. The property is located on the northwest corner of Winesap Road and Jonathan Drive. Residential homes are located to the west and north of the property. The property fronts Winesap Road to the south and Jonathan Drive to the east.



Parking

The applicant is showing two onsite parking stalls in addition to the needed parking of the residents. One stall is located on the south side of the property fronting Winesap Road and the second is located on the east side of the property fronting Jonathan Drive. The applicant plans on using the south portion of their driveway as the second parking stall.

Traffic and Traffic Access

This property fronts on both Winesap Road and Jonathan Drive. The applicant indicates that parents will drop children off between 7:00 and 9:00 am and will pick them up between 4:00 and 6:00 pm. There will not be more than twelve children at one time on the premises throughout the work day.

Noise

The site plan of the project indicates a play area on the north side of the property. There are residential lots abutted to the north and west of the proposed play area. The Home day care/preschool ordinance 19.76.260 (Item E.) states," The play yard shall not be located in the front yard and only shall be used between 8:00 am and 7:00 pm.

Signage

The R-1-8 zone does not allow for any signs. The applicant will be allowed a name plate.

Zoning

The zoning of this property is R-1-8. Section 19.26.030 indicates that Day care/preschools are allowed as a conditional use.

Recommendation

Based upon the information above, staff is recommending that the planning commission approve the conditional use with the following conditions:

Proposed Conditions for the applicant's request for conditional use:

Planning:

1. That there shall be no more than 12 children including children caregivers own children under the age of 6 and not yet in full day school.
2. That there shall not be more than one employee that does not reside in the home.
3. That the caregiver shall comply with all applicable licensing requirements under title 5 of the Cottonwood Heights Code of Ordinances.
4. There shall not be signs on the dwelling.
5. The play yard shall not be located in the front yard and shall only be used between 8:00 am and 7:00 pm.
6. That the applicant constructs a fence separating the front yard and the play area in the side yard to provide a safety buffer from the street.

Standards of Review for the Application

Based on statute (either stat and /or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

- 19.26 – Residential Single Family R-1-8
- 19.80 – Off Street Parking Requirements
- 19.76.260 – Home day care/preschool
- 19.84 – Conditional Uses

Staff Contact:

Morgan Brim – Planning Technician

Phone: 944-7065

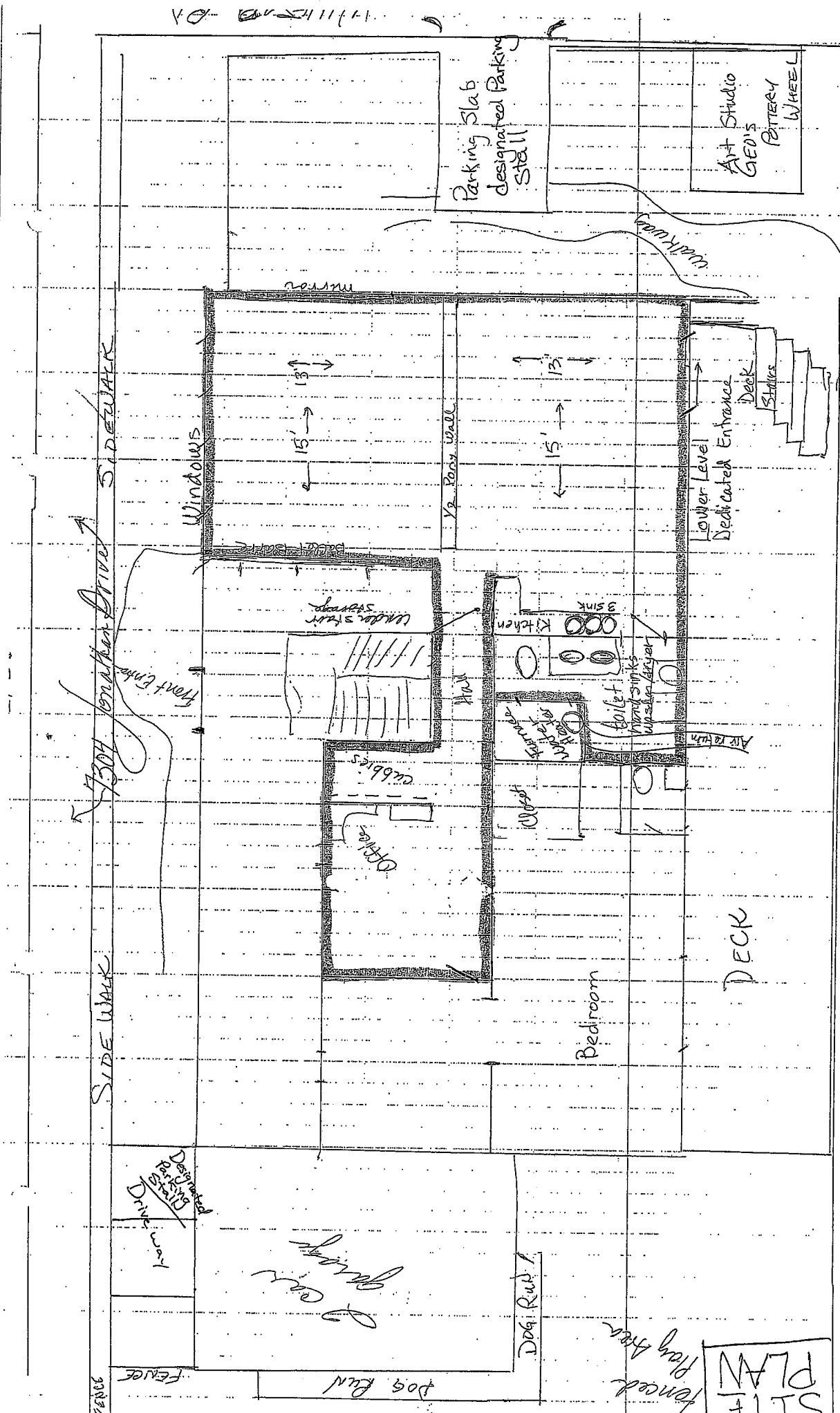
Fax: 545-4150

Email: mbrim@cottonwoodheights.utah.gov

List of Attachments:

Site Plan

Notice sent up to 300 Feet



NIELSON RESIDENCE
WEST

SITE PLAN

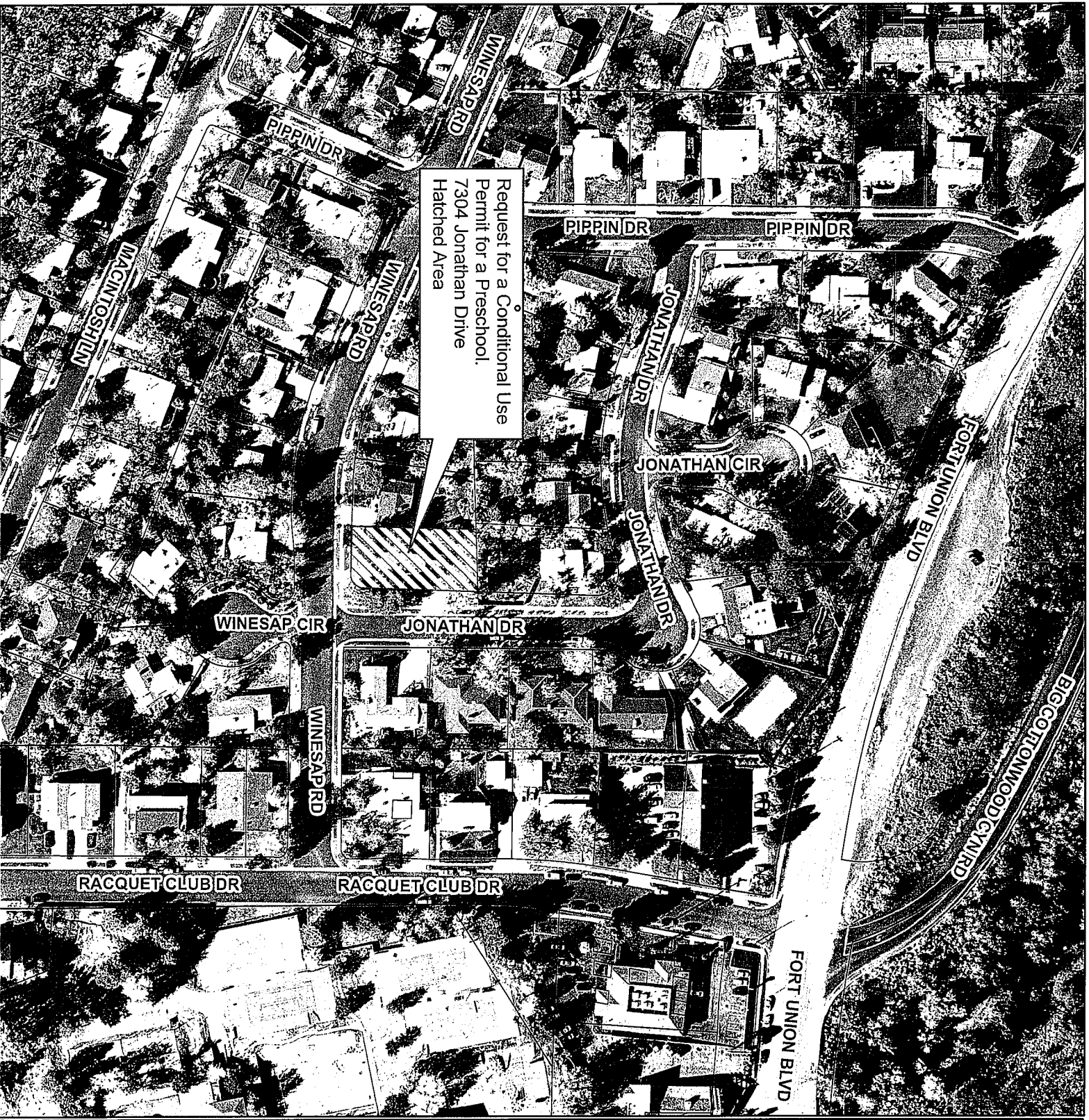


Request for a Conditional Use
Permit for a Preschool.

City of Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047
(801) 944-7065



Published:
August 1, 2008





Item 3.2 Public Hearing: General Plan Amendment – 6800 and 6814 S. Highland Dr.

File Name:	08-034 General Plan Amendment, 6800 and 6814 S. Highland Dr.
Application Received:	April 21, 2008
Meeting Date:	August 6, 2008
Public Hearing Date:	August 6, 2008
County parcel Number:	2221481008 and 222148009
Location:	6800 and 6814 S. Highland Dr.
Development Area:	0.66 Acres
Request:	Amend General Plan from R-1-8 to RO
Owner/Applicant:	Adeline Peay Trust
Agent:	McCown E. Hung, Jr.
Staff:	Greg Platt, Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any request for amendment to the general plan. This report provides preliminary information regarding the general plan designation of the above noted parcels of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: R-1-8 (19.26), Residential Office (19.35), Amendments and Rezoning (19.90) and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant is requesting an amendment to the general plan for two properties located at 6800 and 6814 S. Highland Dr. from the Low-density Residential to the Residential Office (RO) designation.

Neighborhood/Public Position on the Request

At the time of the staff report no comments had been received by staff as a result of the mailed notice. A report will be given at the time of the meeting to further update the commission of any other concerns that may be received. The public hearing was noticed as City code requires. All affected entities were notified in accordance with state and municipal requirements and a written notice was mailed to all property owners within 1000 feet of the applicant's property at least 10 days prior to the public hearing.

Staff Observations and Position on the Request

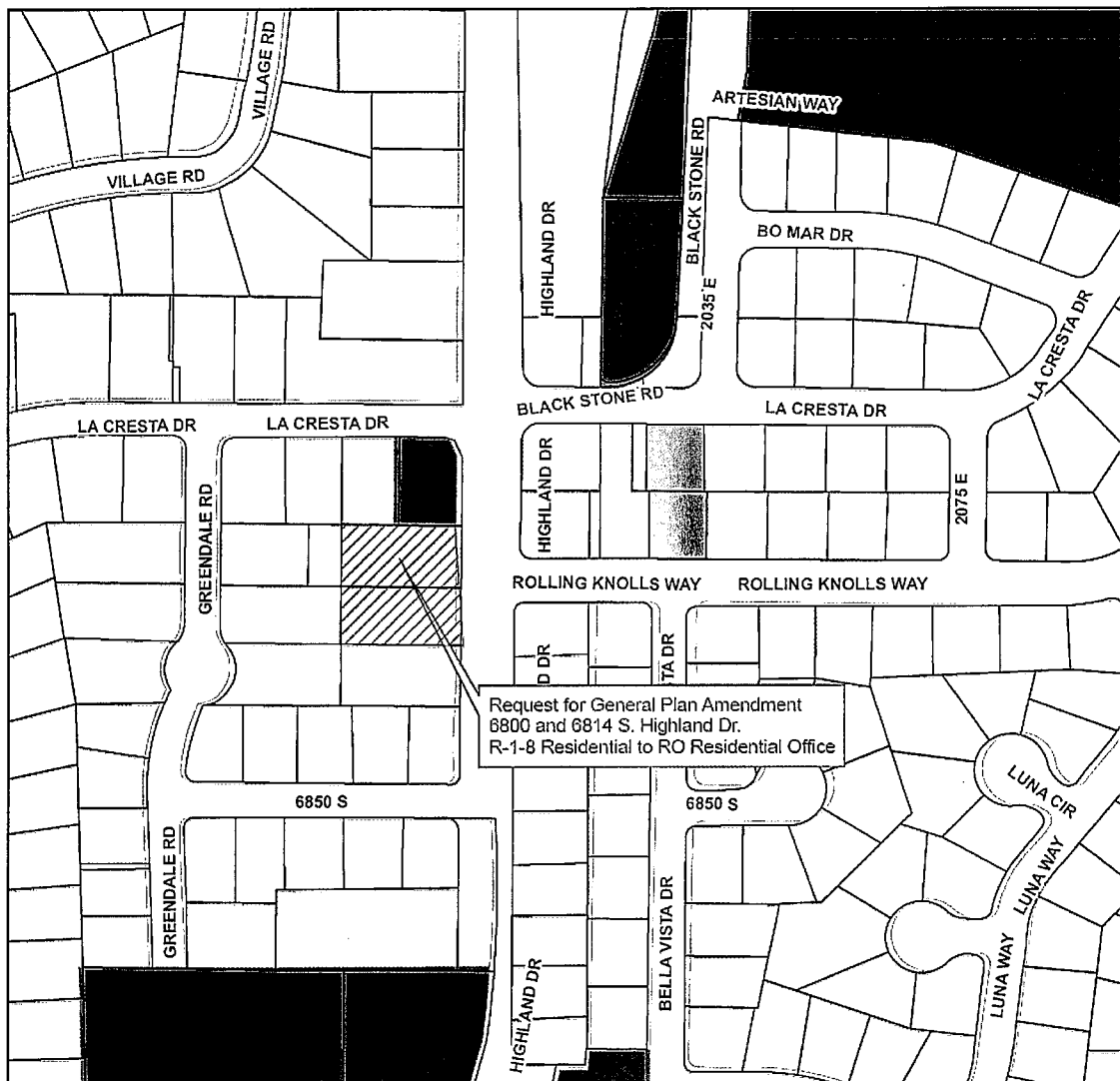
Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, believes we have shown reasonable diligence in processing the application.

Site Layout

The property is located on the west side of Highland Drive just south of I-215. The properties together are 0.66 acres, and are located within a residential neighborhood. However, the proximity of the properties to Highland Dr. makes the properties less desirable for residential homes and more desirable for commercial uses. The lot directly north of these properties is zoned Regional Commercial and currently houses a dental office.



General Plan

The current general plan designation for the property is high-density residential, with the zoning of R-1-8 zone. The applicant has requested change of designation to RO or Residential Office. The RO designation and zone are designed for small offices, such as medical and dental, which allow for commercial use without disrupting the character of the neighborhood.

Recommendation

Land Use Transition

The city of Cottonwood Heights introduced the Residential Office land use designation and zone after the adoption of the first general plan in July 2005. Since the introduction of the RO designation, this option has been used in many applicant initiated amendments as well as City initiated amendments to the general plan. One of the reasons the RO designation was introduced was to create an option for a commercial designation for property that is directly adjacent to residential properties. The intention was to make a more appropriate land use transition from an intense land use to a lower intensity land use, such as residential.

The subject properties involved with this application are both directly adjacent to residential areas. Staff feels that the location of the subject properties in relation to the residential properties creates a situation in which a land use transition is necessary. Both the conditional use process and the ARC review provide the City with the opportunity to master plan the properties to ensure a more appropriate land use transition with any change in use if the general plan and subsequent zone change were approved.

The protection of residential areas which are located directly behind any current and future commercial properties is of great importance. Since the subject properties are located along Highland Drive, a request for a change to a commercial designation could be anticipated. However, since the subject properties are not located at one of the major intersections along Highland Dr., a less intense commercial use, such as Residential Office, may be a more appropriate request to address the impact of Highland Dr. while minimizing impacts on the residents.

Residential Office and Neighborhood Commercial Designations

When an amendment to the general plan is requested one of the most important elements to analyze is the future applications and development potential associated with each future application. For any given land use designation, the Cottonwood Heights general plan allows an applicant to apply for the most intense zoning under that designation. The Residential Office designation allows a future applicant to apply for a zone change only to the RO zone.

If the zone were changed from residential, staff feels that the RO zone would be best suited to accommodate the appropriate transition without overburdening the land. The RO zone requires buildings to be consistent with residential bulk and massing as well as overall intensity. The RO zone restricts overall size to 5,000 square feet per floor. The RO zone also specifically addresses the revitalization and conversion of existing buildings (§19.35.140).

Potential Future Land Uses

The only permitted use in the RO zone is a single family dwelling. The listed conditional uses are: medical, optical, and dental offices and clinics; administrative, general, or professional offices; home occupations; mixed residential housing; PUDs; churches; schools;

retail sales secondary to office uses; studios for artists, designers, writers, sculptors, photographers, or musicians; child or adult day-care facilities; reception centers; twin homes; and bed and breakfasts.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing general plan amendments in the city of Cottonwood Heights:

Zoning – RO: Chapter 19.36

Amendments and Rezoning: Chapter 19.90

Cottonwood Heights General Plan Land Use Map

Staff Contact:

Greg Platt Planner
Telephone: 545-4167
Fax: 545-4150
Cell: 502-5004
E-mail gplatt@cottonwoodheights.utah.gov

List of Attachments:

1. Notice Sent to Property Owners within 1000'
2. Materials Submitted by Applicant



COTTONWOOD HEIGHTS
NOTICE OF A PUBLIC HEARING
ON PROPOSED AMENDMENTS TO THE GENERAL PLAN

Notice is hereby given that Cottonwood Heights will hold a public hearing before the Planning Commission to receive comments on a proposed applicant-initiated amendment to the General Plan for Cottonwood Heights, at the following properties located in Cottonwood Heights, UT:

6800 South Highland Drive
6814 South Highland Drive

The applicant is proposing to change the General Plan designation from R-1-8 (Single Family Residential) to RO (Residential Office). The hearing will be held at the Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, on August 6, 2008, at 7:00 p.m. or as soon thereafter as the matter can be heard. A map of the proposed amendment can be found on the City's website at www.cottonwoodheights.utah.gov. Any inquiries should be directed to Greg Platt at 944-7067.

ATTEST: Linda Dunlavy
City Recorder

April 18, 2008

Michael Black - City Planner
1265 East Fort Union Blvd
Cottonwood Heights, Ut 84047

Subject: Proposed Amendment Change To The General Plan For The City Of Cottonwood Heights

Dear Mr. Black:

The purpose of this letter is to request an amendment change to the General Plan for properties located at 6800 and 6814 South Highland Drive. (See attached zoning maps for locations). If an amendment change were approved it would allow the properties zoning to be re-evaluated. They are presently zoned R-1-8-Residential Single Family and suggest they be changed to RO-Residential, Office Zone. (See attached for detailed zone descriptions).

Following are reasons for this request:

- 1.) The homes are located between commercial property on the North and a State owned facility on the South. South of that is a church and large section of commercial properties. The homes also face Highland Drive where traffic is extremely heavy and increases every year. The noise and dust created by the traffic is profound.
- 2.) The home at 6800 South Highland Drive has an attached beauty salon that was licensed and operated by the owner for thirty plus years until she retired.
- 3.) The homes were built in the early 1950s of cinder block that was plastered on the inside surface. This type of construction is very porous and the insulation factor is practically non-existent. The heating bills this past winter ran between \$250.00 and \$300.00 per month.
- 4.) Property locations are not attractive for single family use therefore compromising the value. This would attract lower income families who would be hard pressed to pay the utility bills and have little money if any to make improvements. Not fair to them or the community.

Benefits Of Proposed Zone Change:

- 1.) As a main entrance corridor from Van Winkle Expressway and I-215 to Cottonwood Heights City it would upgrade the appearance of Highland Drive as the dental office has on the Southwest corner of La Cresta Drive and Highland Drive.
- 2.) It would increase the tax base.
- 3.) The heavy exposure to Highland Drive traffic would benefit a small business, whereas it would be a major detraction to single family residence.
- 4.) It would also help a looming and major concern for any community which is energy consumption and modern structures would be more energy efficient.

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Summary:

I personally have nothing to gain from a zoning change of the above mention properties but became involved through a back door so to speak. At the death of Mrs. Adeline Peay, owner of property located at 6800 So. Highland Drive, I was made executor and trustee of her will. The instructions are to sell the property and use the proceeds to provide care for her physically handicapped son. I was surprised to find out the property was zoned for Residential Single Family since Mrs. Peay had a business license and operated a beauty salon in the home. The family moved into the home in 1954 when few people lived in the Cottonwood Heights area. Since then Highland Drive has gone from a lightly used country road to an extremely heavily used artery to the Southeast part of the valley. I feel the zoning change would be beneficial to the citizens and the City of Cottonwood Heights.

Sincerely,

McCown E. Hunt, Jr
2470 Cardinal Way
Cottonwood Heights, Ut 84121

cc to:
Kelvyn Cullimore, Jr - Mayor
Gordon Thomas - City Council - District One
Sue Ryser - Planning Commission - District One
J. Thomas Bowen - Planning Commission - District One
Jerri A. Harwell - Planning Commission - District One



Fort Union Blvd

STATE HOUSING
6814 SOUTH
6806 SOUTH
DENTAL & BUSINESS OFFICES

Highland D

SUBJECT AREA





Chapter 19.26
**R-1-8 -- RESIDENTIAL SINGLE-
FAMILY ZONE**

Sections:

- 19.26.010 Purpose.**
- 19.26.020 Permitted uses.**
- 19.26.030 Conditional uses.**
- 19.26.040 Minimum lot size.**
- 19.26.050 Minimum lot width.**
- 19.26.060 Setbacks/yard requirements.**
- 19.26.070 Maximum height of structures.**
- 19.26.080 Maximum lot coverage.**
- 19.26.090 Open space requirement.**

19.26.010 Purpose.

The purpose of the R-1-8 zone is to allow for the establishment of single-family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.

19.26.020 Permitted uses.

Permitted uses in the R-1-8 zone are as follows:

1. Single-family detached dwellings;
2. Accessory buildings customary to single-family housing; and
3. Home occupations.

19.26.030 Conditional uses.

Conditional uses in the R-1-8 zone are as follows:

1. Churches;
2. Bed and breakfast;
3. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
4. Planned unit developments;
5. Private parks and recreational grounds;
6. Public and quasi-public use;

7. Radio and/or television tower;
8. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
9. Water pumping plant and reservoir;
10. Wireless telecommunication towers;
11. Utility stations and lines, as allowed by the applicable accessory regulations from chapter 19.76, "Supplementary and Qualifying Regulations"; and
12. Public schools.

19.26.040 Minimum lot size.

The minimum lot size in the R-1-8 zone is 8,000 square feet.

19.26.050 Minimum lot width.

The minimum lot width in the R-1-8 zone is 70 feet, measured 20 feet from the front lot line.

19.26.060 Setbacks/yard requirements.

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 25 feet.

Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet per side yard.

Rear: 20 feet.

Accessory buildings in the R-1-8 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.

Sides: Five feet, excluding garages, on interior lots; 20 feet on corner lots.

Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots.

Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.

Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

19.26.070 Maximum height of structures.

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.26.080 Maximum lot coverage.

The maximum lot coverage in the R-1-8 zone is 50%, including all structures.

19.26.090 Open space requirement.

The minimum open space requirement for developments over five acres in the R-1-6 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

Chapter 19.35
RO – RESIDENTIAL OFFICE
ZONE

- 19.35.010 Purpose.**
- 19.35.020 Permitted uses.**
- 19.35.030 Conditional uses.**
- 19.35.040 Mixed use buildings.**
- 19.35.050 Limitations on use.**
- 19.35.060 Setbacks/yard requirements.**
- 19.35.070 Minimum lot size, depth, and width.**
- 19.35.080 Maximum height of structures.**
- 19.35.090 Maximum lot coverage.**
- 19.35.100 Master development plan required.**
- 19.35.110 Lighting.**
- 19.35.120 Screening.**
- 19.35.130 Landscaping requirements.**
- 19.35.140 Architectural review.**

19.35.010 Purpose.

The RO zone is intended to provide for the conversion of existing blocks of dwellings to small offices in order to stabilize adjacent residential areas and prevent the intrusion of non-compatible commercial uses. This zone is intended to function as a transitional zone between existing residential and traditional commercial uses by preserving the residential scale, intensity of use and ultimate design of the project. The RO zone allows the conversion of existing residences to office use and the development of vacant parcels with new office buildings designed to be compatible with existing adjacent residential dwellings. Compatibility will be ensured through strict analysis of applicable relationship, adjacency, reciprocity and alignment of RO-zoned buildings in association with existing neighborhoods. The restrictions in the

RO zone are intended primarily for use in the city's older developed areas.

The RO zone is restricted to those locations and uses that will not materially increase traffic through residential neighborhoods, and it incorporates performance standards designed to prevent noise, lighting, parking and signs from intruding on or otherwise disrupting adjacent residential zones. Consequently, the RO zone is intended to accommodate small professional offices that attract a limited clientele, usually on an appointment basis. If such an operation later desires to expand, however, it is intended that the operation should relocate rather than enlarge the scope of the operation beyond the limits under this chapter.

19.35.020 Permitted uses.

Permitted uses in the RO zone are as follows:

1. Single family dwelling.

19.35.030 Conditional uses.

Conditional uses in the RO zone are as follows:

1. Medical, optical, dental offices and clinics for health professionals, with the exception of after-hours care, overnight care or traditional medical retail stores, with a maximum gross floor area of 5,000 square feet on any one floor and 10,000 gross occupiable square feet;
2. Administrative, general or professional offices containing no more than 5,000 square feet on any one floor and 10,000 gross occupiable square feet;
3. Home occupations;
4. Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter;

5. Planned unit development;
6. Church;
7. School;
8. Retail sales secondary to office uses with no exterior or storefront displays;
9. Studios for an artist, designer, writer, photographer, sculptor or musician;
10. Child or adult day care facilities, with no overnight or after-hours care;
11. Residential facilities for elderly persons;
12. Medical clinics, provided that no after-hour or overnight care shall be permitted;
13. Reception center;
14. Planned unit development;
15. Twin homes; and,
16. Bed and breakfast.

19.35.040 Mixed-use building.

A mixed-use building is a single building containing more than one type of land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. No exterior displays for retail establishments will be allowed in mixed use buildings in the RO zone.

19.35.050 Limitations on use.

The following conditions and limitations shall apply in the RO zone:

1. The maximum floor area of each separate use confined within enclosing walls shall be limited to 5,000 square feet on the first story. Below-grade square footage (i.e. basements) shall not be included in the maximum floor area

so long as the area below grade is not occupiable space.

2. The maximum floor area for schools shall be decided on a case-by-case basis by the planning commission pursuant to chapter 19.84 (Conditional Uses) of this title.

3. All business, service, repair, processing, and storage, including refuse and garbage storage, shall be conducted wholly within enclosed buildings.

4. Items produced or wares and merchandise handled shall be limited to those sold at approved retail on the premises.

5. Applicants applying under conditional uses nos. 1, 2, 4-7, 9 and 11-16 of section 19.35.020 shall be required to receive a certificate of design compliance pursuant to a satisfactory design review from the city's Architecture Review Commission ("ARC").

6. Reception centers shall not use amplifiers or outside speakers to enhance or transmit music, speech or other sound.

19.35.060 Setbacks/yard requirements.

The setbacks and yard requirements in the RO zone are as follows:

1. The minimum yard along a street shall equal the front yard required in the least restrictive adjacent residential zone.

2. Minimum side yards of twenty-five (25) feet and rear yards of thirty (30) feet shall be required for those portions of a structure in an RO zone abutting a residential zone. For lots adjacent to a non-residential use, the minimum setback shall be ten (10) feet for side yards and twenty (20) feet for rear yards.

3. The minimum front, rear, and side yard setbacks for two-story

buildings with commercial activity occurring on the second floor shall be at least 100% of the height of the principal structure, when adjacent to a residential zone.

19.35.070 Minimum lot size.

The lot size in the RO zone shall be as follows:

1. The minimum lot area shall be 7,000 square feet.
2. The minimum lot width at the front building line shall be 70 feet.
3. The minimum lot depth shall be 100 feet.

19.35.080 Maximum height of structures.

In the RO zone, structures shall not exceed a height of two stories or 35 feet, whichever is less.

19.35.090 Maximum lot coverage.

The maximum lot coverage in the RO zone is 50%, including all structures.

19.35.100 Master development plan required.

In the RO zone, developments of over one (1) acre, or developments with more than one building, will be required to submit a master development plan for review and approval by the planning commission.

19.35.110 Lighting.

1. Uniformity of lighting is desirable to achieve an overall design objective of continuity, and to avoid objectionable glare to adjacent residential areas.

2. The maximum height of luminaries shall be 18 feet unless the planning commission requires a lower height as part of its approvals. The light shall be low intensity, full cut-off,

shielded from uses on adjoining lots, and directed away from adjacent property in a residential zone or an adjacent residential use.

3. Pedestrian walkways shall be lighted with bollards or lights at a maximum height of ten (10) feet.

19.35.120 Screening.

1. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or approved screening that is a minimum of six feet high with visually obscuring painted metal gates, or shall be enclosed within a building which shall match the overall architectural goal of the development. Any trash or refuse receptacle area shall be a minimum of 50 feet from any residential zone boundary or property containing a residential use.

2. All ground-mounted mechanical equipment (including, without limitation, heating and air conditioning units) shall be completely screened from surrounding properties by a masonry wall or approved screening that is a minimum of six feet high with visually obscuring painted metal gates, or shall be enclosed within a building.

3. The use of roof appurtenances is discouraged. If roof appurtenances (including, without limitation, air conditioning units and mechanical equipment) are used, they shall be placed within an enclosure at least as high as the roof appurtenances that reflects the architectural design scheme of the project and complies with the requirements for penthouses and roof structures of the city's building code. Such enclosures require planning commission approval, and shall minimize visibility from on-site parking areas, adjacent public streets, and adjacent residential property. Roof

appurtenances shall be counted towards the overall height of the building.

4. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground.

5. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties and public streets.

19.35.130 Landscaping requirements.

1. All developments in the RO zone shall dedicate at least 10% of the gross acreage to landscaping, including, without limitation, landscape buffers, seating areas, walkways, etc. Drought resistant plants are encouraged.

2. All developments in the RO zone shall provide a landscaped buffer, not less than eight feet in width, with trees planted no less than 30 feet on center, between any commercial development and any residential use or vacant land in a residential zone. This requirement can be included within the side and rear setbacks of the RO zone.

3. Developments in the RO zone are intended to blend with the surrounding land uses. For that reason, the landscaped buffer should not be used as an obstructing barrier between land uses, but rather provide a landscaped transition between uses, with pedestrian walkways and trails.

4. Private fences along streets should help to form a coherent street transition, and should create an attractive boundary between public and private realms.

19.35.140 Architecture review

The ARC shall review the design of projects in the RO zone under its purview for design compliance. The ARC shall be especially concerned with new buildings, or revitalization of older buildings, and their relationship with adjacent existing neighborhoods. The intent of the ARC review shall be to minimize effects on adjacent neighborhoods and to provide architectural continuity to help make an attractive and coherent community. In addition, the ARC shall ensure that reciprocity between buildings is achieved where possible, and shall ensure that alignment of buildings is consistent with established patterns of construction in the area and that architectural styles and themes are consistent and identifiable as appropriate for the zone and its surroundings.

Revitalization or conversion of existing buildings, regardless of the proposed use, shall not alter the established residential characteristics of the existing building. The ARC may, at its discretion, impose requirements on the proposed use of existing buildings in the RO zone to achieve continuity in architectural design.



Item 4.1 Public Hearing: Zone Change Request – 7350 South Wasatch Blvd. (Canyon Racquet Club)

File Name: 08-036 Wasatch Gates Rezone
Application Received: May 28, 2008
Meeting Date: August 6, 2008
Public Hearing Date: July 2, 2008, August 6, 2008
County parcel Number: 2225176007
Location: 7350 S. Wasatch Blvd.
Development Area: 10.89 Acres
Request: Zone change from CR to MU
Owner/Applicant: Wasatch Gates, LLC
Agent: Gary Harrison
Staff: Greg Platt, Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any zone change request application. This report provides preliminary information regarding the zoning of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: CR (19.40), MU (19.36), Amendments and Rezoning (19.90), Sensitive Lands (19.72), Gateway Overlay District (19.49), and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant is requesting a zone change for the Canyon Racquet Club property located at 7350 S. Wasatch Blvd. from CR or Regional Commercial to MU or Mixed Use. The general plan designation for the property is MU or Mixed Use.

Neighborhood/Public Position on the Request

At the time of this report, staff has received several comments with regard to the requested zone change. A compilation of written communications addressing this zone change is attached to this report. Many verbal communications have been directed to staff, voicing the same general sentiment and tenor as have been presented in the written communications. A report will be given at the meeting to further update the commission of any other concerns that may be received. The public hearing was noticed as City code

requires. A written notice was mailed to all property owners within 1000 feet of the applicant's property at least 10 days prior to the public hearing.

Staff Observations and Position on the Request

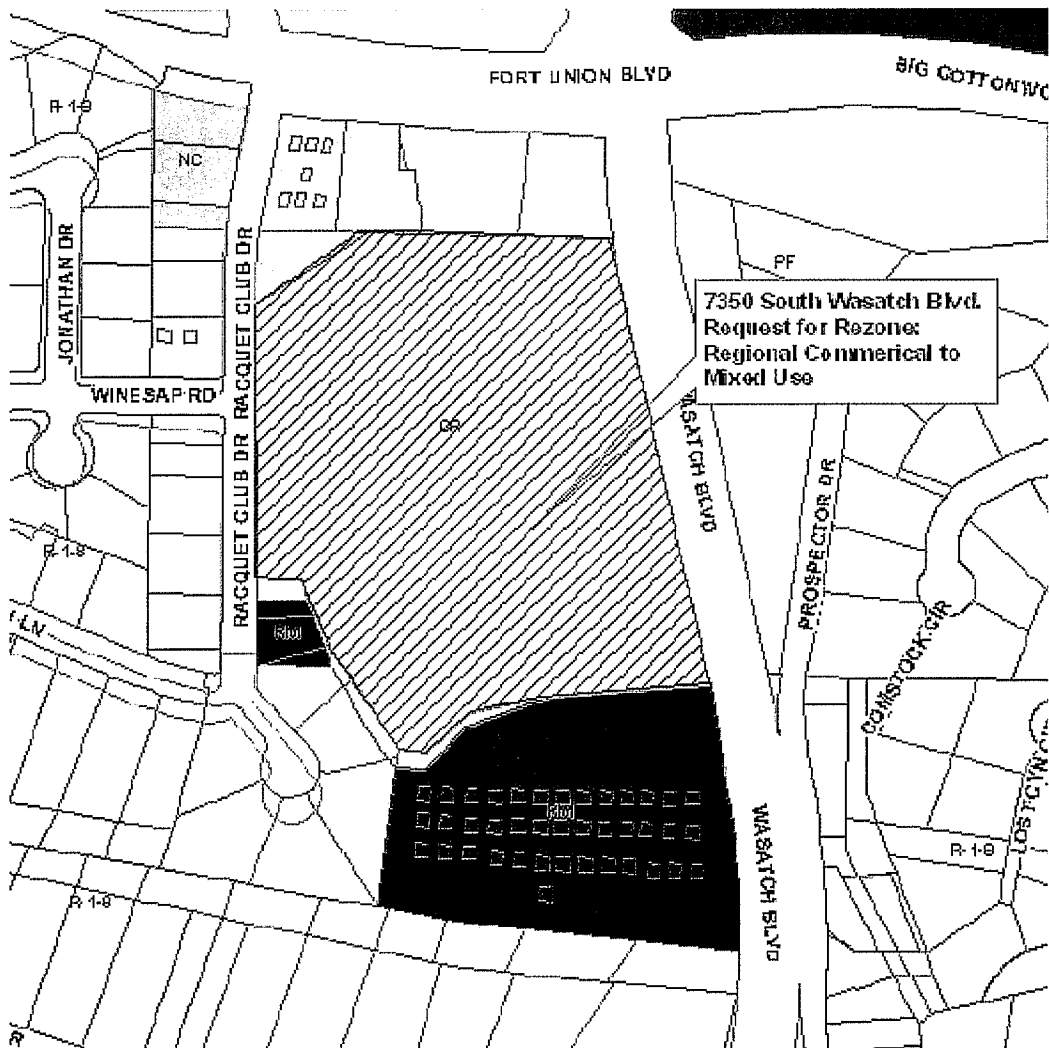
Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, believes we have shown reasonable diligence in processing the application.

Site Layout

The property is located on the west side of Wasatch Blvd. just south of Ft. Union Blvd. The property is 10.89 acres and the west side of the property fronts on Racquet Club Drive.



Zoning

The current zone for the property is CR or Regional Commercial. The applicant has requested a zone change from CR to MU or Mixed Use. The CR zone is designed for retail and other commercial uses which attract business from both inside and outside the city. The MU zone is considered a land use of lesser intensity, and a switch from CR to MU would be considered down-zoning, a move from a more intensive to a less intensive use. Whereas the Regional Commercial zone is designed for commercial uses only, the Mixed Use zone allows for both commercial uses and residential uses. This Lot also falls under the Gateway and Sensitive Lands zones, and any future use would be subject to those regulations.

General Plan

The general plan designation for the subject property is MU or Mixed Use. Under the MU land use designation, an applicant would be able to apply for the MU, NC or RO zones. Currently, the zoning of the property as Regional Commercial does not coincide with the General Plan designation of Mixed Use. The current zoning on the property predates the creation of the city's General Plan. The rezoning of the property to Mixed Use would bring the zoning in line with the General Plan.

Land Use Transition

The property involved with this application is directly adjacent to residential areas. Staff feels that the location of the subject property in relation to the residential properties creates a situation in which a land use transition is highly desirable. While rezoning this property does not create a buffer between uses, the conceptual application presented in conjunction with this application indicates a desire of the applicant to provide a buffer between existing residential and future commercial development, in the form of single-family homes. Under current zoning on the property, no such buffer is required, or even very feasible. It is much more likely that the back end of commercial developments would abut onto adjacent properties. In either scenario, commercial development is highly likely along Wasatch Blvd. Because rezoning the property to Mixed Use allows for residential uses, a transition area between existing residences and future commercial uses is much more likely should the property be rezoned to Mixed Use than if the property were to maintain its current zoning of Regional Commercial.

Potential Future Uses

It is staff's understanding at the time of the staff report that the applicant wishes to build two hotels on the east side of the property, each occupying approximately 2.5 acres, and two additional buildings totaling 8,300 square feet for retail, possibly as restaurants. Additionally, the conceptual plan shows 25 single family homes on approximately 4.5 acres. A copy of the conceptual development plan is attached. At such time as an application is made for such uses, the applicant will be required to apply for a conditional use permit, primarily due to the size of the buildings involved in the proposal. Since this property is located in the Gateway zone, any application for future use will be subject the review of the ARC. The lot also falls in the Sensitive Lands overlay zone and will be subject to the requirements of that chapter of the Land Use Ordinance. A fault line running through the property will create restrictions regarding where buildings may be located on the property.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Zoning – MU: Chapter 19.36
Zoning – CR: Chapter 19.40
Zoning—Gateway: Chapter 19.49
Zoning—Sensitive Lands: Chapter 19.72
Amendments and Rezoning: Chapter 19.90
Cottonwood Heights General Plan Land Use Map

Staff Contact:

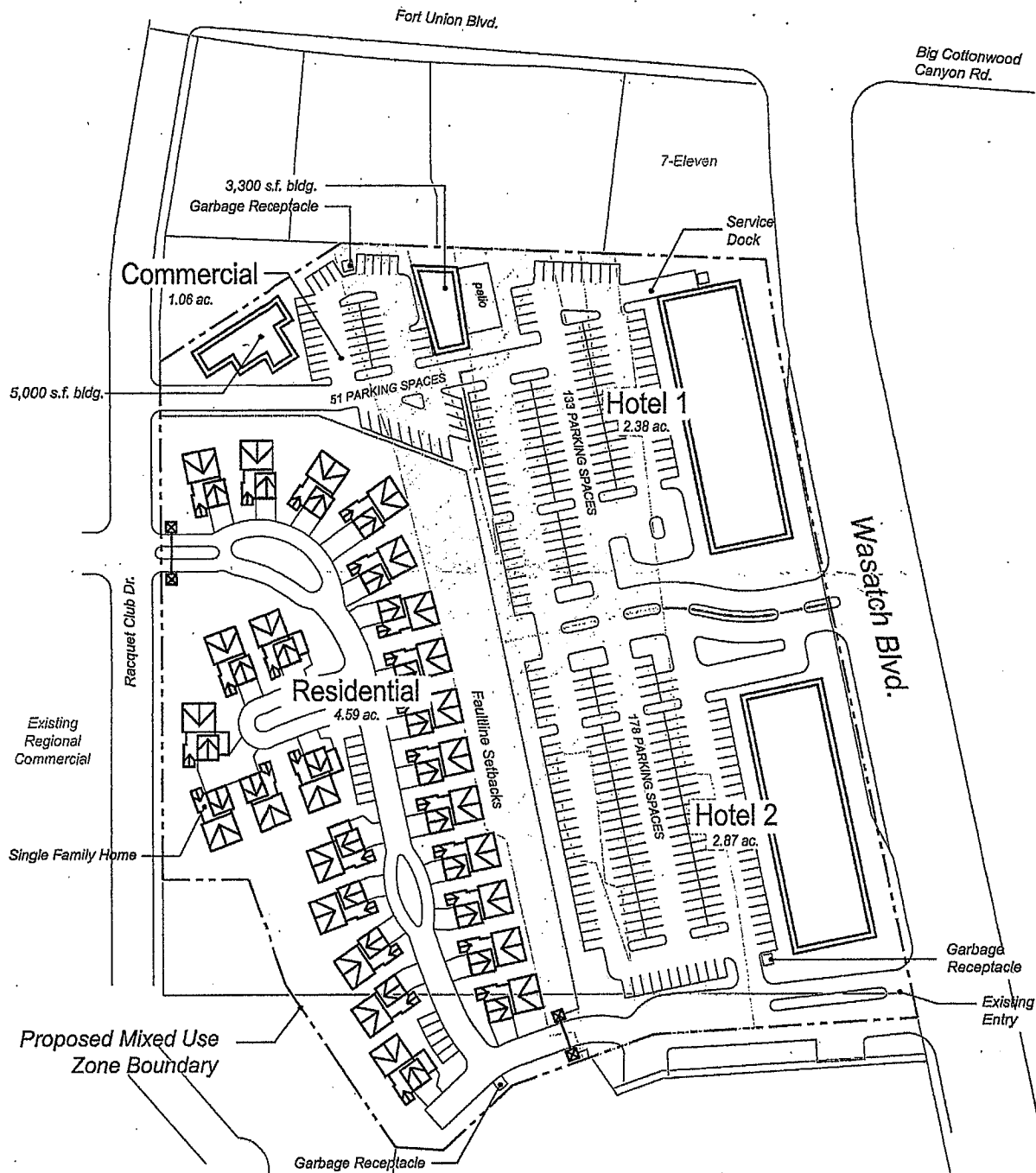
Greg Platt Planner
Telephone: 545-4167
Fax: 545-4150
Cell: 502-5004
E-mail gplatt@cottonwoodheights.utah.gov

List of Attachments:

1. Conceptual Development Plan of Wasatch Gates
2. Notice Sent to Property Owners within 1000'
3. Public Comments received.

Residential	4.59 ac.
Hotel	5.25 ac.
Commercial	1.06 ac.
Total	10.90 ac.

Residential Units: 24 d.u./4.59 ac. = 5.2 d.u./ac.
362 Parking Spaces



May 23, 2008
Scale: 1" = 100'



Conceptual Development Plan Wasatch Gates

Cottonwood Heights, Utah



COTTONWOOD HEIGHTS
NOTICE OF CONTINUATION OF A PUBLIC HEARING
ON A PROPOSED ZONE CHANGE

Notice is hereby given that Cottonwood Heights will continue a public hearing before the Planning Commission on August 6, 2008, to receive public comment on a request by Gary Harrison to rezone property located at 7350 South Wasatch Blvd., Cottonwood Heights, Utah, from CR (Regional Commercial) to MU (Mixed Use).

The hearing will be held at Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, at 7:00 p.m. or as soon thereafter as the matter can be heard. Inquiries should be directed to Greg Platt at 545-4154.

Attest: Linda Dunlavy
City Recorder

Stan Rosenzweig
3661 Macintosh Lane
Cottonwood Heights, UT 84121

801-733-0630; Cell: 917-617-4129

City of Cottonwood Heights Planning Commission
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047

July 3, 2008

Re: Observations from Public Hearing on rezoning of 7350 South Wasatch Blvd.

Ladies and Gentlemen:

Firstly, my thanks to you, and especially to Chairman Nicholl, for the extraordinary patience and kindness extended to the community at the public hearing last night. It was a pleasure to get to know all of you and be part of the process -- and I learned quite a bit.

I learned that not only were members of the public inadvertently misinformed by Staff prior to the meeting (as confirmed by Greg), but some of the Commission members were, too.

I hope this does not come across as being unduly critical of Staff. I have met two at the Planning Department and they are friendly, caring and conscientious. These comments are not meant to be confrontational, but merely to note discrepancies in the Planning Department process that impact results.

For instance, after Staff had prepared its most recent reports, Staff was continuing to state that a change of zoning would provide greater control by the City and the Planning Commission. This has been proven to be a mistaken conclusion based on misunderstandings both of current and proposed zoning as I will discuss shortly. Staff repeated that hotels could be built under CU zoning, which had to be corrected to Staff by knowledgeable residents.

Several Commissioners repeated that the zoning issue is not about land use, but Commissioner Haymore got it right when he showed how the two are linked. The property owner, himself, sees that they are linked, because he stressed in his remarks how land use will change as a result of zoning change.

In its written report, Staff specifically referenced the developer's current conceptual development plan as cause for change of zoning, although the developer has no obligation to do what is evidenced in the Staff report. Should the developer decide after his newly won zoning change that the current market no longer substantiates building private residential housing, he could file a plan for four of five resort hotels, damaging the community and other commercial hotels in the area. Commissioner Nicholl remarked that it is quite difficult for the Commission to deny a private owner the right to build as he wishes if those wishes are within the MU zoning use.

Staff has convinced itself, the Planning Commission and the City Council that a change of zoning to MU would provide greater control by the City and the Commission because of Gateway and Sensitive Lands. One member of your Commission repeated this as fact at the hearing, showing how

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City of Cottonwood Heights Planning Commission
July 3, 2008
Page two

convinced he is of Staff assumptions. Yet the same Gateway and Sensitive Lands regulations and restrictions apply at the present time to CU zoning. If we take the time to check the details, we find that almost all of the controls that the City would have under MU, it has under CU.

Staff continues to state that a "big box" could be built on the property in view of contrary evidence. In that regard, when the fault lines issue was brought up by a resident, one Commissioner said that fault lines were still an unknown and not relevant. This is dangerously incorrect and both developer-funded and publicly published studies are available to the Commission and the City that evidence how improbable approval of a "big box" would be on that property. In fact, Staff refers to those very limitations due to fault lines in its own written report.

Staff states in its most recent report that change to MU from CU "would be considered a lateral move rather than a move to more intense or less intense use". This incorrect conclusion is drawn without review of the practical use of the property under CU when fault lines, Gateway and Sensitive Lands are figured in. In fact, they *must* be figured in to determine the relative differences in the result of the development. Practically speaking, the developer is quite restricted under the current zoning, but would have a substantial and significant increase in choices under the change to MU.

The current zoning change application is not a down zone as Commissioners are led to believe, nor is it lateral. It is an application made with forethought by an attorney for an owner who recognizes that he is limited in what he can build on the property with the current zoning in place. He needs an upgrade to MU in order to increase choices over what the prior owner recognized was limiting.

As noted in my Public Hearing remarks, the best course of action for Cottonwood Heights would be as originally suggested by my neighbor Woody Noxon in his separate letter to you: to counsel the developer to modify his zoning change request to two separate zones. Splitting the property into two separate zones, one for residential and one for hotels, would satisfy the developer's stated needs limited to the current conceptual development plan, would satisfy the continuity needs of the community and would not leave the Planning Commission, or the City open to the possibility that it made a naïve and costly mistake should the developer sharply turn in another direction later.

Either obtaining a guaranty that the developer will implement the conceptual development plan, or by splitting the property into two separate zones, the Planning Commission would satisfy all stated needs. Otherwise, as proposed, the request for zoning change must be rejected.

Again, please accept my appreciation to the Commission, and to Staff, for your hard work and for being open to ideas from fellow Cottonwood Heights citizens, like me, who share your dreams and plans for a better city.

Sincerely

Stan Rosenzweig

Concerns about Current Wasatch Gates Plan

July 2, 2008

I have several concerns about the current plan for building two three-story hotels on the old Racquet Club property:

Quality of Life

In consideration of the surrounding residents, the three-story height of the proposed hotels will be unsightly, and will block the view of a number of existing homes. In fact, current plans may have the height of the hotels at *four* stories on the side facing existing residents. Noise throughout the night could also be a great annoyance to the surrounding neighborhoods, as neighbors will likely be awakened by any or all of the following in the middle of the night: Cars pulling into the hotel parking lot, horns honking as car alarms are set, car doors and trunks slamming, luggage being dropped onto the pavement, luggage being rolled across the rough parking lot, shouting across the parking lot, etc.

Those of us who chose to build a home in this area had the following among our reasons for doing so: Peaceful, quiet evenings and nights, and a beautiful view of Big Cottonwood Canyon. This development as it is currently planned would take both of those away from us.

Insufficient Parking

Another concern is that the current plans have insufficient parking.

Current drawings show:

- 133 planned parking spaces for hotel 1, and
- 178 planned parking spaces for hotel 2, for a total of
- 311 available** parking spaces.

But the proposed hotels are planned to have 200 rooms each. In order to be viable, there will have to be times when the hotels will be full. At these times, the required number of parking spaces for each hotel will be:

- 200 for guests of hotel 1, plus
- 25 for hotel 1 staff and maintenance workers,
- 200 for guests of hotel 2, plus
- 25 for hotel 2 staff and maintenance workers, for a total of
- 450 required** parking spaces.

The current proposed plan has extremely insufficient parking, **short by 139 spaces**.

(And these are conservative estimates, assuming that neither hotel contains a restaurant, nobody in the hotel will have any visitors, no hotel guest has an oversized vehicle or trailer which would take up more than one parking space, and that the hotel has enough handicapped guests to fill all handicapped parking spaces [which take up part of those 311 available parking spaces]).

There is already insufficient parking for existing businesses in the area. Because of this, parked cars currently line both sides of Racquet Club Drive every day. So where will those additional 139 cars park? There is no parking on Wasatch Blvd. Hotel guests will likely find it too inconvenient and dangerous to park in the park-and-ride lot, and then be forced to cross two busy roads and walk uphill along Wasatch Boulevard to get to the hotel. That will force even more traffic to park deeper throughout our residential neighborhoods. That would not be acceptable.

Height Not Allowed

Even if the zoning ordinance were changed to Mixed Use, section 19.36.050 of the Cottonwood Heights Code of Ordinances states that "Structures in an MU zone shall not exceed a height of two stories, or 35 feet, whichever is less." So even the new zoning classification would not allow the current plan of three stories, with four stories on some sides, without a special variance. Negative impact on the adjacent neighborhood should be considered, because as ordinance section 19.36.010 states, the purpose of the MU zone is to apportion uses "in a manner sensitive to the street environment and adjacent residential areas". "The MU zone is intended to achieve cohabitation of uses, while ensuring that negative impacts on residents are minimized."

Height of the Structures is Unsafe near Fault Lines

The maximum height of a structure in an MU zone may be increased if "such increased height will not adversely affect the public health, safety or welfare." That could be an issue as well. Maps from the Utah Geological Survey and Salt Lake County show that the Wasatch Fault runs along Wasatch Blvd., and that the fault branches out with several fingers in the area. One of these branches was identified through the center of the Racquet Club property. A map from Salt Lake County indicates that other fault lines may lie very close to, or even underneath, the proposed hotels. In recent years, other developments have been proposed for this property. But these plans were rejected reportedly because of the conclusion of engineers that buildings of over two stories in height are unsafe in this area, in such close proximity to fault lines. So it would follow that the proposed three-to-four-story buildings, built so close to known fault lines, could place the safety of up to 450 occupants at risk.

More Hotels Not Needed

Based on their occupancy levels, managers of existing hotels in the area believe that this hotel market is saturated, and that there would not be enough demand to support these additional hotels. So if these proposed buildings are allowed to be built in hopes of a future buyer, it is possible that no hotel chain would be willing to buy these hotels in such a saturated market. It is also possible that no hotel company would be willing to accept the liability of owning and operating a structure of this height in such close proximity to fault lines. In this situation, we would be left with two vacant eyesores sitting on valuable property, unable to bring any revenue to our city.

Possible Solutions

I see two possible solutions that would address these concerns:

1. Reject the proposed zoning change. Develop the property in compliance with existing zoning regulations, which would:
 - limit the height of the structures to levels that would be safe and unobjectionable to neighbors,
 - allow small businesses which could have sufficient parking, and
 - allow businesses which would be closed (and therefore quiet) at night.

These businesses could still provide a significant tax base and revenue for the City of Cottonwood Heights.

- or 2. *Only if a hotel company has committed to own and operate each building before construction begins:* Re-design the hotels to be a maximum of one or two stories on any side, (sprawling across a larger footprint), with sufficient underground parking underneath them. The shorter height would be much safer in the close proximity of fault lines, and would be unobjectionable to neighbors. Underground parking, although more expensive to build initially, would have many advantages:
- It would eliminate the nighttime noise problem in the neighborhood;
 - Lighting of the lot would not be offensive to the surrounding neighborhood, and would be cheaper to install and maintain;
 - The parking lot would have lower maintenance costs (since it would be shielded from the sun, weather, and freeze-thaw cycles that damage pavement);
 - The parking lot would have no snow removal costs;
 - Hotel guests would enjoy having their vehicles out of the elements, eliminating the need to scrape windows and sweep snow off their vehicles in the winter;
 - The lot would more likely be preserved for hotel parking rather than skiers, commuters, and others who might take up stalls in an open lot above ground, causing an even greater shortage of hotel parking; and
 - The parked vehicles would be more secure (and even the neighborhood would be safer) because there would not be a large open lot full of vehicles at night which could be attractive to "smash-and-grab" burglaries.

Lower-profile buildings, if designed and landscaped properly, could create a very attractive development, with nice views from outside, and from the inside looking out. Combined with the amenity of underground parking, this would create (at least the appearance of being) higher-end hotels than were originally drawn, which could be a great asset to the community and to the City of Cottonwood Heights for many years, if it is first proven that these additional hotels would be viable.

Thank you for considering these concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ken Carlson".

Ken Carlson
3698 Racquet Club Circle
Cottonwood Heights, UT 84121

Stan Rosenzweig
3661 Macintosh Lane
Cottonwood Heights, UT 84121

801-733-0630; Cell: 917-617-4129

City of Cottonwood Heights Planning Department
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047

July 2, 2008

Re: Request of rezone of 7350 South Wasatch Blvd.

Gentlemen:

Without assurance that the former Racquet Club property in question will be used in the manner suggested in the developer's conceptual development plan, there is compelling reason for the Planning Commission to reject a change in zoning. Should the Planning Commission agree to the developer's zoning request, the commission leaves itself open to subsequent criticism, and liability, in at least three instances:

1. The developer may have no intention of implementing the conceptual development plan and may have submitted it solely to influence the Planning Commission. Upon receiving the zoning change, the developer would have instantly improved the value of its holdings, which it could resell to third parties to develop in ways not yet conceived of. This would, at the least, embarrass the Planning Commission and could do far worse to the City of Cottonwood Heights.
2. The developer could "rethink" his plan in light of the current weakness in the residential market and then create a new plan for, say, office buildings, thus misleading the Planning Commission.
3. The developer could fail to complete the conceptual development plan for financial reasons and lose the property to foreclosure, only to have a new owner free to do whatever the new zoning allows, again, far from what the Planning Commission expects.

Therefore, the Planning Commission must find a legal mechanism to insure that that the developer adheres to the plan it prepared and submitted. If the Planning Commission cannot insure implementation of the current conceptual development plan, it must reject the existing petition for zoning change.

There is one other way to satisfy all parties that is available to the Planning Commission, and that is to split the property into two separate zones, neither of which receives a Mixed Use designation:

1. One Commercial Zone along Wasatch Boulevard, for Hotel, or other commercial, construction, and
2. One Residential Zone along the residential Racquet Club Drive, for additional residential properties.

Splitting the property into two separate zones, one for residential and one for commercial, would satisfy the developer's stated needs, would satisfy the continuity needs of the community and would not leave the Planning Commission open to the possibility that it made a naïve and costly mistake.

Either obtaining a guaranty that the developer will implement the conceptual development plan, or by splitting the property into two separate zones, as discussed, the Planning Commission would satisfy all stated needs. Otherwise, as proposed, the request for zoning change must be rejected.

Sincerely

Stan Rosenzweig

June 28, 2008

Proposed Zone Change

The City Planning Commission or To Whom It May Concern

We have lived and owned property in Cottonwood Heights for 23 years and currently live at 7268 Pippin Dr (3570 East). We purchased our property in a single-family residential area and would like to keep it that way. With the rezoning of the Wasatch Gate project we will be going from a low residential density area to a high residential density area overnight. If hotels are allowed to be build on this site much of the traffic that will have a hard time getting out on Wasatch Blvd. will cut through the adjoining neighborhood making it more dangerous for the children that play in the area. Much of this traffic will not be from locals but from visitors who don't know or really care about the neighborhood. Parking problems are another issue and is allready a problem on Racquet Club Drive as you probably allready know. After looking at the proposed plan it does not look like enough parking for the amount of rooms proposed therefore more cars parking on Racquet Club Drive and the neighboring streets around it. There is allready alot of traffic congestion on Wasatch and Fort Union Blvd in the winter especially on a good ski day. This project does not seem to protect the welfare of the present and furture inhabitants of the city, including, among other things the lessening of congestion in the streets or roads. The proposed plans do not seem to be very condusive to the area surrounding it and should not be given a zone change at this time. I am sure that someone can come up with a much more compatible plan for this site. Until then Please do not change zoning on this property for this development project. We are more compatible in our residential neighborhood with the CR-Regional Commercial Zoning that we have now. If you change the zoning for this project it will have a very negative impact on residents. Please Please do not change the zoning on this property.

Thank You,

Tom + Marie Casey
Marie and Tom Casey

From: woodyn817@aol.com
Sent: Thursday, June 26, 2008 10:22 PM
To: gplatt@cottonwoodheights.utah.gov
Subject: Comments on Rezoning for Wasatch Gates Project

Greg,

I reside at 3705 Racquet Club Circle, Cottonwood Heights

There is relatively short notice for the Jul 2nd Public Hearing. I am out of town in Boston and will not be able to attend the hearing. Thanks for giving me the opportunity to comment on the project.

Creating Cottonwood Heights gives us the opportunity to manage and control the future of our community - one that we desire. The site for the Wasatch Gates Project is a key location in the gateway to our community. Many of our residents and visitors come to Cottonwood Heights by coming south from 215 and onto Wasatch. This location and the future changes to the gravel pit area will have a lasting impact to our Gateway. Our gateway is already congested at the intersection of Fort Union and Wasatch. We have existing zoning rules that define what can and should be built in this area- for example height "shall not exceed a height of two stories, or 35 feet, whichever is less" and "all lighting next to residential uses,...shall be full-cut-off lighting to reduce lighting pollution".

Many of us have made investments within the existing rules and we are expecting you to uphold the zoning rules to maintain and improve our investments while improving the character of the area. You are chartered to improve the community.

The Wasatch gates concept is a creative approach in providing a residential area next to the existing residential street, Racquet Club Drive and beyond (West and South). However, the existing residential area already suffers with a parking situation that is brought about by the successful commercial businesses on Fort Union between Wasatch and Racquet Club Drive. The first cars arrive every morning about 7:30am and begin parking on Racquet Club Drive - these are employees of those businesses that park there for their working shifts. If it is a good ski day the entire area is congested with vehicles parked in every available space on Fort Union and Racquet Club Drive. There is no parking available on Wasatch.

Given the current situation it is mandatory that any development in the area must provide the parking capability for all of its customers, employees, and services to the proposed development. This should be a non-negotiable position of the Planning Boards, Leadership and residents of Cottonwood Heights.

Let's look at the current Wasatch Gates concept - it doesn't have a date on it, but I received it from your office on 6/25/08. On the East half of the concept there are two proposed hotels with 311 (178+133) parking spaces. By my calculation these parking spaces will only support a total of 239 hotel rooms in the two buildings combined. People that stay here will fundamentally be staying here for access to Big and Little Cottonwood Canyons. There is limited public transportation, so it is not like a downtown hotel and will require more parking. Basically, all visitors will provide their own transportation to and from the hotel. Assumptions for my calculations are:

Hotel guest require	1.1 parking space per hotel room
Hotel service employees require	.1 parking space per hotel room
Hotel Administrative staff require	.1 parking space per hotel room
Deliveries require	___?___
Total	1.3 parking space per hotel room

311 planned parking spaces divided by 1.3 parking spaces per hotel room = 239 rooms

This doesn't allow for any visitors in cars, any conference capabilities, or restaurants.

If a person arriving at the hotel area in a car can't find a parking space, what do they do? The residential area is restricted from access, so the visitor must pull out of the hotel side back onto Wasatch. A left turn would be very dangerous because of the proximity of the intersection. So the visitor takes the safer alternative and turns right (South) up Wasatch. Now the visitor must negotiate a turn around and come back to the intersection of Fort Union and Wasatch. The visitor either parks in the Park and Ride Lot at the entrance of Big Cottonwood Canyon or turns West on Fort Union and walks a couple of blocks back to the hotel - not good. Whatever is built on the property it must provide enough parking capacity to support all of its potential customers, employees, and visitors.

The concept has two commercial buildings totaling 8300 square feet of space with 51 parking spaces. If every employee in the building uses 150 square feet of space including desk area, lavatories, hallways, stairs, etc., it means the buildings need 55 parking spaces for its employees. The concept is already short spaces and it doesn't provide for customer visits, sales visits, service personnel or deliveries. The concept doesn't work. Also, it creates a commercial access in a residential street - wrong.

The Residential area in the concept looks very "tight" for 25 homes. There are twelve parking spaces provided for guest to the 25 homes. Is this enough? Because of the scale of the concept, it appears that many of the driveways for the residential homes are not long enough to contain a car of average length. Therefore, cars will have to be in the garage or be partially in the street. A minimum set-back needs to be established.

To me the parking and related traffic issues are two of the critical aspects of the use of the property. Other critical issues are the lighting, the overall look and feel (height), noise after working hours, and others. Because of time limitations, I've only been able to start a dialogue about the parking. The other issues need to be addressed.

A major concern is the following: we change the zoning to allow the hotels and the owner comes back and says they need more parking to support the hotels (ones that are over two stories high). Because of the need for more parking, they will not build the residential area and instead use the space for parking. If we do that, we have now created a large commercial parking lot next to the residential area. How about the follow path forward?

- split the zoning of the Racquet Club property on a North/South line following the fault line
 - = East of the fault line remains what it is or change it to MU
 - = West of the fault line is zone residential. This would preserve the existing area and eliminate the proposed commercial traffic from the existing residential area.
- establish parking space ratio requirements for businesses so the owners can plan
- there are many "garden" style hotels that have been built that enhance the attractiveness of an area - this is our gateway.

Thanks for taking these comments into consideration and I look forward to work with you in the future. I'm in boston, so if you have any questions please call me on my cell: 801-699-3531

Best Personal Regards,

Woody Noxon

Michael Black

From: Kevin [kcharlton@techguy.net]
Sent: Tuesday, July 01, 2008 7:42 PM
To: Michael Black; Kelvyn Cullimore; ?Bruce Jones? ? ;; Bruce Jones; Kevin Smith
Subject: Canyon racquet club property

There is too much density for this area. It would create the same problems that we and you decided against with the office building.

Michael Black

From: Anne [acharltan@techguy.net]
Sent: Tuesday, July 01, 2008 7:44 PM
To: Michael Black; Kelvyn Cullimore; ?Bruce Jones? ? ;; Bruce Jones; Kevin Smith
Subject: Canyon racquet club

Not again another high density proposal just like the office building -- same problems!!!!!!!!!!

From: SueLarsen@alum.rpi.edu [mailto:SueLarsen@alum.rpi.edu]
Sent: Tuesday, July 01, 2008 5:17 PM
To: mblack@cottonwoodHeights.utah.gov
Cc: Fran@aspenbiomedical.net; jenniferyoung07@yahoo.com;
kcullimore@cottonwoodheights.utah.gov; bjones@cottonwoodheights.utah.gov;
lstillman@cottonwoodheights.utah.gov; ksmith@cottonwoodheights.utah.gov;
shanson@cottonwoodheights.utah.gov; bwarnick@cottonwoodheights.utah.gov
Subject: Planning Committee Agenda, July 2, 2008

On behalf of the 40 owners at the Canyon Racquet Club Condominiums, I am requesting that the rezoning of the property owned by Wasatch Gates (formerly the Canyon Racquet Club) be removed from the July 2, 2008 agenda pending notification to our owners.

Our check of our homeowners indicates that that no one has received any type of notification of the public hearing on July 2, 2008. Since our owners represent approximately \$12 million of property, we consider this request to be a reasonable one.

Thank you for your attention to this matter.

Sue Larsen, President
Canyon Racquet Club Condominiums Homeowners Association

From: Mark Machlis [mailto:mark@wellnesscapital.com]
Sent: Tuesday, July 01, 2008 8:25 PM
To: kcullimore@cottonwoodheights.utah.gov
Subject: just say no!

Please note our objection to the idea of hotels lining the Wasatch Blvd. Safety is the number one issue and the over development of the sight is not in keeping with the citizens of Cottonwood Heights. It will be the best of times in our great city when the elected officials and the planning commission become supporters of the kind of residential areas we all moved here for. Just because we have a 7/11 as an eyesore is no reason to continue the blight.

Too much density, too much traffic and not enough safety from known fault lines.

Please note that we as a community will work tirelessly to keep this from happening until this owner also goes to the county for a sweetheart land purchase like "good ole boy Walker". We all know what fits the area, please say no to hotels and high density.

Mark and Mira Machlis
7613 South Prospector Drive
Salt Lake City, Utah 84121

From: ROBERT GOOD, REBECCA GOOD [mailto:rmgoodtt@msn.com]
Sent: Wednesday, July 02, 2008 9:47 AM
To: Kelvyn Cullimore Jr.; Liane Stillma; Mike Black; Bruce Jones
Cc: Carlene Walker
Subject: FW: Canyon Racquet Club

Date: Tue, 1 Jul 2008 18:20:57 -0400
Subject: FW: Canyon Racquet Club
From: fran@aspenbiomedical.net
To: rmgoodtt@msn.com
CC: SueLarsen@alum.rpi.edu; jenniferyoung07@yahoo.com

Dear Robert and Rebecca,

I am a neighbor at the Canyon Racquet Club Condominiums that is on your list because I supported your position regarding the issues at the Wasatch Office site. I received the attached conceptual plan that will be presented at tomorrow night's Planning Commission meeting, and I thought you would want to forward this proposed plan to your group to inform them of what will be presented at tomorrow night's Planning Commission Meeting.

I am a Board Member of the Canyon Racquet Club Condominiums HOA but will not be able to attend this July 2, 2008 meeting because I am out of town. But, Jennifer Young, one of our Board members, will be there (I have copied her on this e-mail, along with our President, Sue Larsen.)

Some of the issues I see with the attached plan are:

1. Like the Office Complex you opposed, the two planned hotels (I am told they will be 3 stories) are not in keeping with the residential quality of our neighborhood
2. The hotels will create transience, again not in keeping with our neighborhood
3. The plan is not Green and ecological. They are paving paradise and putting up parking lots. Note that there are no trees, etc in the plan, only paved land.
4. It seems like there are too many houses on the allocated land (however, I do not know the legal limits here)
5. The garbage dumpsters for the 25 homes are right on the other side of the fence from our condos
6. The traffic pattern in and out on Wasatch will create traffic problems and accidents

I'd appreciate hearing the perspectives of you and your group.

Sincerely,
Frances Mielach
CRCC HOA Board Member

Sad, but true. About the time some of us gained confidence in the Cottonwood Heights officials, the other shoe drops.

After the meeting at Butler Middle school, I felt you were looking at issues from a citizen's perspective, not just the developers and how much revenue each and every square foot of dirt can produce.

The decision about the 3 office buildings on Wasatch and other proposals for the area above Wasatch were the right things to do. Kudos for that! Now I wonder how soon the proposal will be made again on that property and it will be approved.

The statement was made by Mr. Black that there had been no comments/feedback regarding the proposed development of the racquet club property.

Due to the huge impact this type of development could have on the immediate area and on the residents in the community, one would think all citizens of Cottonwood Heights would have been sent a notice of said proposal. At least a full page explanation in the local newspapers would have been appropriate. Had this been done, you would have been buried in comments/feedback from citizens in CH as well as many outside of the area.

How could you even consider such a development in the pristine vicinity of Big Cottonwood Canyon and accompanying watershed?? This is one of the most congested intersections in our city.

Frances Mielach and Kimberly have said it best so I won't take up your time by repeating their comments.

This is a holiday week for many, but am confident there will be a large crowd at the meeting tonight.

Alma Thomas

Please consider that we, as Cottonwood Heights citizens, just barely became aware of the plans for the old Racquet Club site. My wife and I are not opposed to the housing. It is the hotels that we are opposed to. We hope that the master plan for Cottonwood Heights would be focused on keeping big projects like a hotel in areas like the Corporate Center and leave the residential areas protected. I hope you will consider the feelings of the citizens on this. I guess the big failure we made was not being more involved in the early on planning for the master plan that even allows things like this to surface. I hope you won't feel bound to a master plan that the citizens had little knowledge of when offensive projects are proposed. Brian and Ann Homer

Greg Platt

From: Wiebenz@aol.com
Sent: Sunday, July 06, 2008 9:34 PM
To: Greg Platt; Bruce Jones
Subject: PLEASE Prove me WRONG!

Greetings!

I am writing to OPPOSE the rezoning proposal of Mike Olsen to rezone approximately 80 acres from F-20 to F-1-43. I have lived at 8047 Mountain Oaks Drive since 1992.

It is bad enough that MOST of the residents of this area bought their homes or property under false pretense, but to rezone this hillside now would be heinous! Do a poll, MOST residents along the hillside were told when they bought that they abutted National Forest land. We now all know that was marketing hype, not fact. Of course no realtor or developer would tell a blatant lie about that. We have taken solace in being assured that they would never build on the hillside because of the grade and the one residence per 20 acres zoning.

PLEASE STOP the destruction of our foothills! DO NOT turn us into another beautiful city gone sour. The development North of Big Cottonwood is a big enough "rezoning compromise" to swallow. Most of us moved to this area to appreciate the natural beauty, not to watch further construction and rezoning.

How do you propose to SAFELY put in roads to accommodate emergency vehicles? What provisions will be made as the hillside slips and slides under the increased activity and weight for those of us already living on a tenuous hillside? Sewage? Water supply? Snow removal? What will a wall of snow cascading off a road do to a home below it? How about a ruptured water or sewer main located a few hundred feet above homes?

PLEASE JUST SAY NO to rezoning of our hillside! Having one recreational structure every 20 acres will be ugly and dangerous enough! Oh I know there are none of those, yet. But I know how we Utahns like to conquer the land, we have a long proud history of it. Give the developers time, we will have cabins on those hills. Keep it to one cabin per 20 acres NOT 80 homes on 80 acres!

Can we leave any of the beauty that drew us here, for our children to appreciate? What would I suggest you do? Condemn it all and grant the land to Natures Conservancy for permanent preservation! That would get Cottonwood Heights national news worth having! THAT would keep Cottonwood Heights on that list of top 100 communities to live in! Watching further destruction of our hillsides is not what draws people to our community!

Very concerned,

Ralph A. Wieben

Gas prices getting you down? Search AOL Autos for fuel-efficient used cars.

Greg Platt

From: Donna Cangelosi [dcangelosi@gmail.com]
Sent: Wednesday, July 02, 2008 4:45 PM
To: Greg Platt
Subject: Re: Canyon Raquet Club Site

Dear Greg:

As a homeowner in the Canyon Racquet Club, I would like to enter my formal objection for any hotel being built on the Racquet Club site which violates the height restrictions for this location. It is my understanding that the restriction is currently 35 feet or 3 stories. I would like to make a formal request that any developer adhere to these requirements. I am certain I also speak for other Racquet Club Homeowners and over the next few weeks, you will likely hear from them.

Also, I would like to make another request that ingress/egress for this complex be moved North of the current ingress/egress common to both the former Racquet Club and the Canyon Racquet Club Condos. I believe the current road is inadequate for the anticipated traffic flow.

Thank you.

Donna Cangelosi
Owner
Unit A2
Canyon Racquet Club Condos
--
Donna Cangelosi

The contents of this electronic mail message and any attachments are confidential, possible privileged and intended for the address(s) only. Only the addressee(s) may read, disseminate, retain or otherwise use this message. If received in error, please immediately inform the sender and then delete this message without disclosing its contents to anyone.

Greg Platt

From: William A. Currin [WACurrin@Hudson.OH.US]
Sent: Wednesday, July 02, 2008 1:33 PM
To: Greg Platt
Cc: CHKJR@AOL.com; SueLarsen@alum.rpi.edu
Subject: Comments for Public Hearing Tonight - Canyon Racquet Club, 7350 South Wasatch Blvd

Importance: High

Mr. Platt (Greg),

Please read into the record at tonight's hearing my comments below:

Thank you Commissioners for hearing my input concerning the requested for zone change from CR to MU at the Canyon Racquet Club, 7350 South Wasatch Blvd.:

My concerns are:

- 1) Heights of the proposed hotels
- 2) Noise, lights, and general congestion emulating from the proposed twin hotels
- 3) Construction Traffic on and blocking Canyon Racquet Club Condos, 7430 South Wasatch Blvd.
- 4) Amount of traffic in and out of our entrance once construction is complete

1) I am very concerned that the proposed hotels will be more then 2 ½ stories tall thereby blocking our view of the nearby foothills. In addition any higher the 2 ½ stories with be an additional hazard if and when there might be an earthquake and/or a tremor along the fault line, maybe even blocking our ability to exit.

2) We currently enjoy relative peace and quite at our condo (Unit C-3) at 7430 South Wasatch Blvd. Our concern is at that with twin hotels that will be lost. Lighting will glare all over, noise will be at all hours, and the congestion of the complex because of the commercial part will create problems for all, especially the residents of Canyon Racquet Club Condos, 7430 South Wasatch Blvd.

3) Already, with just the clearing of the property at 7350 South Wasatch Blvd., a number of times construction blocked the entrance to our condo complex and when asked to move took their sweet time and really didn't care. With such a major construction project proposed for such a small site what assurances will we have that we will not be continually blocked and/or hassled by the construction vehicles and people?

4) After all is completed, because of the density and size of the proposed project, I am concerned about the increased volume of traffic coming and going on the entrance (southern) that is shared with 7430 South Wasatch condos. Can it be designed that only the single family homes/town houses limitedly share that entrance and not the proposed hotels. I suggest the hotels and commercial buildings have one entrance and the single family homes/town houses and current Canyon Racquet Club Condos have the other.

Respectfully submitted

Bill Currin

William A. Currin
Canyon Racquet Club Condos (Unit C-3)
7430 South Wasatch Blvd.
Cottonwood Heights, UT 84121

**7543 Stow Road
Hudson, OH 44236**

Phone: 330.554.3529

E-Mail: WACurrin@Hudson.OH.US

Greg Platt

From: Michael Black
Sent: Wednesday, July 02, 2008 10:24 AM
To: Greg Platt
Subject: Fw: Canyon Racquet Club
Attachments: AR-M455N_20080610_165432.pdf

----- Original Message -----

From: ROBERT GOOD, REBECCA GOOD <rmgoodtt@msn.com>
To: Kelvyn Cullimore (Dynatron); Liane Stillman; Michael Black; Bruce Jones <bjones@uta.cog.ut.us>
Cc: Carlene Walker <cwalker@utahsenate.org>
Sent: Wed Jul 02 09:47:27 2008
Subject: FW: Canyon Racquet Club

Date: Tue, 1 Jul 2008 18:20:57 -0400
Subject: FW: Canyon Racquet Club
From: fran@aspenbiomedical.net
To: rmgoodtt@msn.com
CC: SueLarsen@alum.rpi.edu; jenniferyoung07@yahoo.com

Dear Robert and Rebecca,

I am a neighbor at the Canyon Racquet Club Condominiums that is on your list because I supported your position regarding the issues at the Wasatch Office site. I received the attached conceptual plan that will be presented at tomorrow night's Planning Commission meeting, and I thought you would want to forward this proposed plan to your group to inform them of what will be presented at tomorrow night's Planning Commission Meeting.

I am a Board Member of the Canyon Racquet Club Condominiums HOA but will not be able to attend this July 2, 2008 meeting because I am out of town. But, Jennifer Young, one of our Board members, will be there (I have copied her on this e-mail, along with our President, Sue Larsen.)

Some of the issues I see with the attached plan are:

1. Like the Office Complex you opposed, the two planned hotels (I am told they will be 3 stories) are not in keeping with the residential quality of our neighborhood
2. The hotels will create transience, again not in keeping with our neighborhood
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5. The garbage dumpsters for the 25 homes are right on the other side of the fence from our condos
6. The traffic pattern in and out on Wasatch will create traffic problems and accidents

I'd appreciate hearing the perspectives of you and your group.

Sincerely,
Frances Mielach
CRCC HOA Board Member

----- Forwarded Message

From: Greg Platt <GPlatt@cottonwoodheights.utah.gov>
Date: Tue, 1 Jul 2008 08:56:31 -0600
To: "fran@aspenbiomedical.net" <fran@aspenbiomedical.net>
Conversation: Canyon Racquet Club
Subject: Canyon Racquet Club

Attached you will find the conceptual plan presented to Cottonwood Heights City for the property known as Canyon Racquet Club.

Greg M. Platt
Planner, Cottonwood Heights
o: (801) 545-4167
c: (801) 502-5004
f: (801) 545-4150

----- End of Forwarded Message

Greg Platt

From: cwcarpenter3@adelphia.net
Sent: Tuesday, July 01, 2008 11:07 PM
To: Greg Platt
Subject: Zone Change Request Hearing 7350 S. Wasatch Blvd

We own the F-2 unit in 7430 S Wasatch Blvd. We will not be able to attend the hearing on July 2, 2008 but would like to express our concerns for changing the zoning on the subject parcel. Our major issue is the egress of all this additional vehicular traffic onto Wasatch Blvd. Although the speed limit on the section of road is only 45mph (I believe) the average speed is usually in excess of 50, especially during ski season. Cars and trucks traveling northbound, down the grade, will need to brake hard to avoid vehicles exiting the new hotels on their way toward downtown to avoid collisions.

I often choose to drive south and go around the block on Bengal rather than risk getting rear-ended. Visitors, unfamiliar with the area, will not know that is an option.

Please let us know the outcome of the hearing.

Thanks, Charles & Nancy Carpenter

This Petition is STOP change in Zoning Laws in the Cottonwood Heights

Wasatch Gate Concept ional Development Plan	I believe the building of TWO Hotels and additional Condos, office space, and additional retail businesses at the Old Canyon Racquet Club are not in the best interest of the surrounding neighborhoods. The impact of traffic merging onto already busy Wasatch Blvd. additional noise and population will take away from the community atmosphere we enjoy in Cottonwood Heights.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now. We do not believe changing zoning laws in the immediate area of our housing developments is in the best interest of our community.

Printed Name	Signature	Address	Comment	Date
David H. Harnes	<i>David Harnes</i>	3442 E. Maple View Dr		7-2-08
MARGARET J. WATSON	<i>Margaret Watson</i>	3425 E. MYSTIC VIEW DR		7-7-08
Deborah Miller	<i>Deborah Miller</i>	3425 E. Magic View		7-7-08
Romana Emshwiler	<i>Romana Emshwiler</i>	3410 Magic View Dr		7-2-08
Robert J Hayes	<i>Robert J Hayes</i>	3394 E. Magic View Dr		7-3-08
Terry Buckhead	<i>Terry Buckhead</i>	7254 WINECAP CT		7-2-08
GARRY WILKINSON	<i>Garry Wilkinson</i>	7264 WINECAP CT		7-2-08

We the undersigned are opposed to a zoning change from "Regional Commercial" to "Mixed Use" at 7350 South Wasatch Boulevard as it will allow high density development.

[illegible]

[illegible]

DATE _____

Sharon Davis 30 June 2008

Client Name: 30 June 2008

W. A. L. 30 June 08

30 June 08

~~Dr. Matt Palmer MD 301 May 08~~

Unit 6/30 or

DONALD R. BRUEMMER 6/30 08

7/1/08

1875

Table 4. above

We the undersigned are opposed to a zoning change from "Regional Commercial" to "Mixed Use" at 7350 South Wasatch Boulevard as it will allow high density development.

[illegible]

We the undersigned are opposed to a zoning change from "Regional Commercial" to "Mixed Use" at 7350 South Wasatch Boulevard as it will allow high density development.

Print Name	Address	Signature	DATE
Dianne Bill Leathers	7309 Jonathan Dr ^{Cottonwood Heights}	Wm. Stearns	6-28-08
Ralph Canale	3720 Brighton Point Dr	Wm. Stearns	6/28/08
Melody Mason	3608 Winesap Rd.	Wm. Stearns	6/28/08
George Jandt	7304 Jonathan Dr.	George Garti	
Jan Kevnington	7251 Pippin Dr.	Jan Kevnington	
Marie Casey	7868 So Pippin Dr	Marie Casey	6/28/08
John Kevnington	7261 Pippin Dr	John Kevnington	6/28/08
Ani Arpacand.	7224 Jonathan Cir	Ani Arpacand.	6/28/08
Herbert Lloyd	3860 Prospector Dr	Herbert Lloyd	6/28
Margo McDonald	3656 Macintosh Ln.	Margo McDonald	6/28/08
John A. Churchill	3644 Macintosh Ln.	John A. Churchill	6/28/08
Carl Churchill	3644 Macintosh Ln	Carl Churchill	6/28/08
Debra R. Doney Webb	3560 Macintosh Ln	Debra R. Doney Webb	6/28/08
Boulevard Webb	3560 Macintosh Ln	Boulevard Webb	6/28/08
Roger Buckman	3565 E. Macintosh Ln	Roger Buckman	6/28/08
Randy House	3641 E. Jonathan	Randy House	6/28/08
Elton Delano	3573 Winesap Rd	Elton Delano	6/28/08
Jim Canale	7267 Jonathan Dr	Jim Canale	6-28-08
LYNN OMAN	7326 PROSPECTOR DR	LYNN OMAN	6-28-08
Shirley Stearns	3580 Winesap Rd	Shirley Stearns	6-1-08
De-Lund Fisher Riches	7279 Pippin Dr.	De-Lund Fisher Riches	6-1-08

We the undersigned are opposed to a zoning change from "Regional Commercial" to "Mixed Use" at 7350 South Wasatch Boulevard as it will allow high density development.

Print Name	Address	Signature
Robert McFarland	7161 S. Reinder Dr 84121	Robert McFarland
Robert D. McFarland	7161 So. Reinder Dr. 84121	Robert D. McFarland
Luise McFarland	7161 So. Reinder Dr. 84121	Luise McFarland
Carson McFarland	7161 S. Reinder Dr. 84121	Carson McFarland
Angela Fairbanks	7173 S. Reinder Dr	Angela Fairbanks
John Fairbanks	" "	John Fairbanks
Allison Ambrose	3412 E. Fawn Circle	Allison Ambrose
Connie Bertram	3438 E. Buck Cir	Connie Bertram
Michael Lloyd	7200 Reindeer Drive	Michael Lloyd
Amita Austin	1225 Reindeer Drive	Amita Austin
Annetta Hesselthaler	3316 Winesap Rd. 84121	Annetta Hesselthaler
John B. Hestaker	3361 Winesap Rd 84121	John B. Hestaker
Annetta Hestaker	3341 E. Winesap 84121	Annetta Hestaker
Ann Hestaker	3376 Winesap Rd	Ann Hestaker
John Nelson	3408 E. Winesap Rd	John Nelson
Tom Dabor	3408 E. Winesap Rd	Tom Dabor
CHRISTINE NELSON	3407 E. Winesap Rd	Christine Nelson
BOB NELSON	" " "	Bob Nelson
BERT KASEI SMITH	7986 S. Danvers Dr.	Bert Kasei Smith
DAVID A. OLSEN	7130 S. Griffiths Pl.	David A. Olsen
Rebecca A. Olsen	7130 S. Griffiths Place	Rebecca A. Olsen

We the undersigned are opposed to a zoning change from "Regional Commercial" to "Mixed Use" at 7350 South Wasatch Boulevard as it will allow high density development.

Print Name	Address	Signature	Date
Alona Holm	7297 Jonathan Drive	Alona Holm	6-28-08
Kerry Riggs	3467 Magic View	Kerry Riggs	6-28-08
Yvonne Riggs	3467 Magic View	Yvonne Riggs	6/29/08
Edna R. Bonzato	3461 Magic View Dr.	Edna R. Bonzato	6-29-08
Linda Trudel	3463 Magic View Dr.	Linda Trudel	6/29/08
Anna L. Steimle	3568 E 7000 S	Anna L. Steimle	6/29/08
Ian Nelson	7255 So Jonathan Dr	Ian Nelson	6/30/08
Heather Little	7255 South Jonathan Dr.	Heather Little	6/30/08
Jason Little	7155 South Jonathan Dr	Jason Little	6/30/08
Dawn Angaruel	7124 Jordan Cir	Dawn Angaruel	6/30/08
Kay Conig	3612 Jonathan Dr.	Kay Conig	6/30/08
Jeff Voyles	7260 S. Jonathan Dr	Jeff Voyles	6/30/08
LeAnn Ostergaard	3639 E. Macintosh Ln	LeAnn Ostergaard	7/1/08
Sharon Hansen	3639 E Macintosh Ln	Sharon Hansen	7-1-08
Rachel Jacobs	7326 S Marinda Way	Rachel Jacobs	7-1-08
Jo Ann Merrill	7188 Marinda Way	Jo Ann Merrill	7-1-08
Julia Johnson	3630 E Jonathan Dr.	Julia Johnson	7-1-08
Marianne McCann	7255 Winesap Ct	Marianne McCann	7-1-08
Judy Bollinger	3420 Winesap Rd	Judy Bollinger	7-1-08
	3499 MacIntosh Ln	Judy Bollinger	7-1-08

We the undersigned are opposed to a zoning change from "Regional Commercial" to "Mixed Use" at 7350 South Wasatch Boulevard as it will allow high density development.

Print Name	Address	Signature	Date
David Barnes	6521 Old Mill Golf	DB	6-30-08
Heather Barnes	6621 Old Mill Circle	Heather Barnes	6/30/08
Linda Fisher	6784 Liota Grande Dr.	Linda Fisher	6/30/08
Debra Stokes	6772 Vista Grande Dr.	Debra Stokes	6/30/08
Adam Hall	6772 S. Vista Grande	Adam Hall	6-30-08
Sherie Fabert	3321 Regan Ct	Sherie Fabert	6-30-08
Alvin Fabert	3321 Regan Ct.	Alvin Fabert	6/30/08
Blair Leckie	3373 Elwood Road	Blair Leckie	6/30/08
Russell E. Warrington	6903 So Vista Grande Dr	Russell E. Warrington	6-30-08
Jackie Warrington	"	Jackie Warrington	6-30-08

We the undersigned are opposed to a zoning change from "Regional Commercial" to "Mixed Use" at 7350 South Wasatch Boulevard as it will allow high density development.

Print Name	Address	Signature
Patricia Larson	3417 Antler Way S.E. 84121	Patricia Larson
Laree Jackson	7301 Marinda Way S.E. 84121	Laree Jackson
Evonne DeHann	3573 Winesap Rd 84121	Evonne DeHann
Ann Saxton	3434 Winesap Rd. CH. UT 84121	Ann Saxton
Mary Walker	3439 E. W. Map Rd. 84121	Mary Walker
Patricia Larson	3339 Antler Way S.E. 84121	Patricia Larson
Duann McDaniel	7809 S. Macintosh Ln S.E. UT 84121	Duann McDaniel
Michelle Bishop	3354 E. Antler Way S.E. UT 84121	Michelle Bishop
Sarah Bunker	3355 Marinda Way S.E. UT 84121	Sarah Bunker
Mary Ellen Johnson	3489 E. Macintosh Ln 84121	Mary Ellen Johnson
Bev Cassell	6789 S. Walker Mill 84121	Bev Cassell



Item 5.1 Discussion Item: The Planning Commission will review and discuss the draft document *Making Effective Public Comments: A Citizen's Guide to the Public Process Regarding Planning Applications*.

This the document that we started to work on earlier this year that has to do with informing residents how best to make comments in a public forum. The document is still draft, and recently I had a chance to add some frequently asked questions that may help us to disseminate information quicker to the public. Any suggestions about questions will be appreciated as well as suggestions about the document itself.

Staff Contact:

Michael Black, AICP – Planning Director
Telephone: 944-7066
Mobile: 842-6071
Fax: 545-4150
E-mail: mblack@cottonwoodheights.utah.gov

Making Effective Public Comments: A Citizen's Guide to the Public Process Regarding Planning Applications

2008

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Prepared for Review by the City Council by:

Cottonwood Heights Planning Department and the Cottonwood Heights Planning
Commission

Making Effective Comments Regarding Planning Applications

Many citizens of Cottonwood Heights (the “City”) have asked how they can most effectively comment on, oppose or support a planning application. If you are interested in making a public comment, you may find the following information helpful in guiding you through the process; however, please note that although this information is meant to be helpful it may not be taken as a full interpretation of the law.

Please remember that all comments submitted to the City regarding any planning application are open for full view by the public or the applicant.

Why make public comments?

Our participation in government as citizens of a community, state or federal government is, in theory, the cornerstone of our democratic society.¹ The City strives to make the democratic process a true part of the foundation of our local government by including and, in fact, encouraging public comment on items of neighborhood or regional significance. Participating in the public process is, by all respects, your right and responsibility as a citizen of a democratic society. City staff is here to support and encourage you to be a part of the process.

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Key points to making the most effective comments

Understand how decisions are made in Cottonwood Heights, Utah.

According to the UTAH CODE Ann.,² every City must appoint a “land use authority.” In Cottonwood Heights, the City Council has designated the planning commission – a commission of citizens with expertise in land use, or with an interest in land use – as the land use authority. The planning commission will hear and make decisions on most conditional uses and will make recommendations to the City Council on legislative matters such as zone changes and general plan amendments. Permitted uses and some conditional uses are heard and decided by an administrator of the City.

The City’s role in a land use application is to be on neither one side nor the other regarding an issue, but rather to be impartial and even keeled limiting personal opinions and basing decisions on established codes and laws, as well as applicable land use plans and other relevant master plans.

Reviewing planning applications involves balancing many different considerations. City planning staff must take into account the many laws and ordinances that govern the process of reviewing an application. City planning staff primarily uses the following ordinances and laws to review projects in Cottonwood Heights:

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- A. UTAH CODE Ann.– §10-9a – Municipal Land Use, Development, and Management Act, or “LUDMA”
- B. Cottonwood Heights Municipal Code – Title 19 – Zoning
- C. Case Law as established by courts of law in private suits between parties.

In addition to the above mentioned laws, the City must also follow other pertinent ordinances and guidelines as adopted, such as the County Health Code and the general plan of the City. The following information touches on three aspects of plan review that planning staff refer to when reviewing planning applications:

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UTAH CODE Ann. – §10-9a – LUDMA

With regard to conditional use applications, the City is charged by §10-9a-507 of the UTAH CODE Ann. to approve the conditional use *“if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of [a] proposed use.”* Once the City lists a use as conditional in a zoning ordinance, it has been determined that the use is appropriate in that zone designation if certain conditions proposed or imposed to mitigate potential detrimental effects. In reviewing an application, staff may discover a variety of possible detrimental effects; some of these will be resolved through City code, yet others will require conditions for mitigation.

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To deny a conditional use, the City must find on the record that *“[t]he reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions.”*³ It is important to note that the UTAH CODE does not state that detrimental effects must be eradicated by conditions, only that they must be *“substantially mitigated.”*⁴ To make a finding on the record, a finding must be part of the official file or as a statement in a public meeting which is preserved as a part of the official record.

According to UTAH CODE Ann., the City is prevented from “tacking” on additional requirements or conditions, or certain unexpressed requirements, that are not clearly *“in the land use permit or in documents on which the land use permit is based; [chapter 10-9a of the UTAH STATE CODE Ann.] or the municipality’s ordinances.”*⁵ In addition, any conditions imposed by the City must bear a reasonable relationship to the request and any potential detrimental effects of the proposed project.

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Cottonwood Heights Municipal Code

Title 19 of the Cottonwood Heights Municipal Code is the “zoning” portion of City ordinance. Title 19 contains all zoning chapters and other information that pertains to land uses and regulations upon land and the use of land. While title 19 holds most of the regulations regarding permitted and conditional uses, other chapters contain information used to review planning applications. Chapters 9 (*Health and Safety*) and 12 (*Subdivisions*) contain various requirements for most PUDs, standard subdivisions and commercial developments.

Case Law

Case law or “common law” is described as “after the fact” adjudications determined in cases where a dispute arose between individuals, large groups or the public in general who possessed or asserted conflicting rights with another party.⁶ Of these cases, the most pertinent for cities are those dealing with a conflict between a city and citizens or an applicant for a land use decision. The following outlines three different application types at the city level (conditional uses, legislative decisions and permitted uses):

Conditional Uses. These types of permits range from a home based day care to a regional commercial or office, office or mixed-use complex.⁷ Case law on the subject is specific and states that “public clamor” may not be the basis for approval or denial of a conditional use application. Public clamor is emotional local opinion not supported by relevant facts.⁸ A “vote” of the neighborhood or a petition from citizens cannot be considered. Rather,

citizens are encouraged to present credible evidence to support their position. This may require, in some instances, hiring an expert (urban planner, engineer, architect, geologist, etc.) who has particular expertise in the area of concern to assist in your position. In conditional use decisions, the “substantial evidence” test has traditionally been applied. Substantial evidence is defined as “that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion.”⁹ Thus, to overturn the approval or denial of a conditional use decision, there must be substantial evidence in the record that is contrary to the appealed decision.

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Legislative decisions. The City Council is the legislative body of the City. It makes decisions on matters that require amendments to zoning maps and the general plan map. In addition, the City Council approves the municipal budget and other items which require an ordinance or resolution for approval. The planning commission and City Council have more discretion in approving or denying legislative requests. So long as a decision is reasonably debatable it is likely to be upheld in a court of law. Case law regarding legislative decisions states that “*concerns aired by property owners at public meetings... may not be the sole basis for granting or denying a given [land use] permit [; ...however,] these sentiments may be weighed in a zoning decision.*”¹⁰

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Permitted Uses. These types of uses are also described as “by right” uses and are allowed “by right” when authorized in established zoning districts provided the use is consistent with all the requirements applicable to that district. Permitted uses usually do not go before the planning commission; they are usually approved on a staff level. This is a delegation of authority authorized by UTAH CODE and the municipal code.¹¹

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Understand the application.

To understand an application, it is helpful if you try the following:

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- A. Study the development plans and understand what they say.
- B. Make an appointment to speak to the project planner
- C. Consider contacting the applicant for more information
- D. Check from time to time for revised plans

The following information is provided to help you in your efforts to understand an application:

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Study and understand the development plans.

- A. As mentioned above, the City is required to follow applicable State and local ordinances which apply to the application. The City and State adopt these laws and ordinances to govern how development occurs and to prevent arbitrary actions on the part of the applicant and the City.
- B. Development plans must be in accordance with these laws and ordinances, and, if they are not, the City will use the development plans as a starting point and will provide letters to the applicant outlining what changes need to be made.
- C. When making points that deal with non-compliance of City or State code, it is helpful to quote relevant parts of the code and relate them to specific points in the development plan.

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Check with the project planner to see if the development plan is being reviewed.

When the project planner is reviewing the development plan, he will often identify issues that you may not have noticed. Understanding where the planner stands in the review process will prevent redundancy in reporting issues. Also, understanding the points the project planner is advocating will help you to understand where best to direct your efforts.

Consider contacting the applicant for more information.

The public is always welcome to request the contact information of an applicant from the City. In some cases, the applicant may ask that their contact information be protected and not released. These are rare occasions as the City encourages every applicant to engage the public in the planning process to facilitate moving towards consensus. A request for a developer's contact information should be directed to the project planner, and may be required to be made in writing.

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Check from time to time for revised plans.

In most applications, there will be at least three iterations of a plan before the land use authority can make a decision on the application. These iterations are the result of reviewing the plans and comparing those with applicable codes,¹² and identifying potential detrimental effects of the development and the appropriate mitigating conditions to be imposed. Checking with the planner from time to time will be helpful as many of the concerns you may have with a plan and its compliance with code will be covered by the project planner and manifest in revised plans.

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Find out what others think

There are various entities that review projects for and with the City. The planning department is only one of these; others include engineering, fire, traffic, water, sewer and other public utilities. The advice received by these entities will be disseminated by the project planner and presented to the planning commission in the form of a technical staff report. If you disagree with the technical advice in the staff report, it is likely that you will need to provide your own technical evidence to back up your objections.

Set out the reasons for your comments and help others to understand your position.

Writing letters is a very effective method for reaching out to the planning commission. Next to letters, public comment at a public hearing is best; however, together these two modes of communication can make your comments the most effective. Both methods are accepted as public input; however, writing your points on paper usually offers a more thoughtful response but lacks the personal contact between the public and boards/commissions. Offering your opinion is very important because of the personal contact, but due to nerves, which is regrettable, some people will not approach the microphone and others will approach only to not clearly state their very important points or even run out of time¹³ and therefore not thoroughly air their issues. So, combining the two methods can make ones comments much more effective.

If you are writing a letter to explain your position, the following will be helpful:

- A. It is important that your letter or email states very clearly in the beginning of the message what points or objections you wish to make about an application. You can offer reasons for support of an application as well.

- B. If you wish to object to a proposal, you should set out the reasons for your objection with reference to technical information that backs up your objection. The most effective comments/objections are those that clearly demonstrate what reasonably anticipated detrimental effects will be caused by the proposed project.
- C. Stick to the issues at hand, wavering from the issues to bring up ‘emotional’ or unsubstantiated information will only undermine your case and take attention away from your valid comments.
- D. If a reasonable detrimental effect as a result of the project can be identified, set out any conditions that you feel may mitigate the effect. The City must attempt to “propose or impose” conditions upon the project to mitigate any valid detrimental effect; simply denying the application due to possible detrimental effects does not comply with UTAH CODE.¹⁴ Conditions must be part of a motion for approval in a public meeting to be legally binding upon the applicant.

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Stick to the limits of the public input portion of the application.

- A. It is very important to observe the specified time period for receipt of comments and objections. You must respond by the date advertised. Typically, you will be able to make comments in writing up to and including the day of the public hearing. In some cases, the planning commission or City Council will allow further comment after the public hearing.

Getting support for your position through collaboration.

- A. If there is widespread support or objection to a development application, it is better that individual letters be submitted rather than a petition.¹⁵
- B. Contact your Council District representative to let him know what you think.¹⁶
- C. Attend a planning commission meeting to express your concerns or support the development plan.
- D. To ensure that your comments carry the weight that you feel they deserve, it is important to make material comments that are clear, concise and accurate.

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Irrelevant reasons for objection to a planning application.

There are certain matters which do not amount to material planning considerations. Citizens will sometimes oppose a land use application only because of a fear of change. Not every change of land use, alone is grounds for denying a planning application. City staff and our boards/commissions hear many arguments during the course of an application, and those arguments may be formed with opinions on both sides of the issue; however, public comments that lack substance or are irrelevant and not helpful in making your case the strongest it can be.

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Making arguments for denial or promoting conditions of approval that are unfair, biased or are not supported by any technical information will weaken your case.

Some matters that cannot be taken into account are listed below:

- A. The identity of the applicant.
- B. The claim of unfair competition.
- C. Breach of private property agreements and/or covenants.
- D. Loss of private view.
- E. Devaluation of property without technical information to back such a claim.

- F. Other financial matters.
- G. Matters controlled by International Building Code (IBC), for instance fire control or internal space standards.
- H. Religious issues.
- I. The fact that the applicant is not a “local” resident – and the implication that he does not care for the best interest of the City or neighborhood.
- J. The developer’s motives, record or reputation.
- K. The price paid for the property.

If you are not happy with a decision of the City.

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According to section 19.84.100 of the Cottonwood Heights Municipal Code, “[any] person aggrieved by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision.”

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In Cottonwood Heights, the appeal authority is the Board of Adjustment (the “BOA”). The BOA hears and decides “*appeals from decisions applying the land use ordinances.*”¹⁷ The BOA reviews appeals based on the record to determine whether a planning commission decision is supported by “*substantial evidence*”¹⁸ in the record and therefore not so unreasonable as to be arbitrary or capricious.

Appeals must be filed within 30 days of the date of decision being appealed. Any person aggrieved by a decision of the BOA may petition the District Court for review of the decision.¹⁹

¹ Arnstein, Sherry R. 1969. A Ladder of Citizen Participation. *Journal of the American Planning Association* 35(4):416-224.

² UTAH CODE Ann. states that a city's legislative body may appoint a land use authority to make decision on planning applications. This person or commission may also make recommendations to the legislative body on legislative matters. §10-9a-103(15) states that a "[land] use authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application."

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³ UTAH CODE Ann. §10-9a-507(2)(b)

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⁴ "Substantially mitigated" means that real actions are taken, or proposed to be taken, that will lessen the reasonably anticipated detrimental effect of the proposed land use application. The State does not charge cities to completely eradicate detrimental effects; only that applicants and cities take real steps towards lessening the reasonably anticipated detrimental effects of a land use application.

⁵ UTAH CODE Ann. §10-9a-509(1)(a)(ii) states that an application *shall* be approved unless a "compelling countervailing public interest would be jeopardized" by granting approval of an application. This section makes a redundant point and is presumably meant to clear away any attempts by Cities to add unreasonable conditions to applications for various reasons. The STATE CODE does not identify what qualifies as a "compelling countervailing public interest;" however, on one occasion a State official cited that it would be equal to finding that an Indian burial ground would be destroyed by approving an application. It is more clear what does not apply to §10-9a-509(1)(a)(ii) than what does.

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⁶ "Land Use: Case and Materials, Sixth Edition"

⁷ UTAH CODE Ann. §10-9a103(6) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts."

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⁸ Public Clamor is defined as...

⁹ Bradley v. Payson City Corp. 2003 UT 16

¹⁰ Davis County v. Clearfield City, 756 P.2d 704, 711-712 (Utah Ct.App. 1988). "[P]ublic clamor is not an adequate legal basis for the city's decision. [Clearfield City] acted arbitrarily and capriciously in denying the conditional use permit for reasons which either had no factual basis or were not legally sufficient."

¹¹ UTAH CODE Ann. §10-9a103(15) states that the land use authority in some cases can be a "person." The "person" in this case would be staff.

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¹² UTAH CODE Ann. – §10-9a – Municipal Land Use, Development, and Management Act, or LUDMA." Cottonwood Heights Municipal Code – Title 19 – Zoning: Case Law as established by courts of law in private suits between parties.

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¹³ The planning commission and city council have adopted a three minute time limit for individual public comment and 10 minutes for a group spokesperson.

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¹⁴ UTAH CODE Ann. §10-9a-507

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¹⁵ "The signatures on a petition will be impressive, and even useful in assessing public sentiment. The [City] can accept a petition and that the bearers for their efforts and dedication. The can agree to include the petition in the deliberation. The board must make it clear, however, that a petition again may not be an honest representation of the community. The board that is asked to be influenced by the petition by its sheer numbers of names has not opportunity to verify the signatures, and no means by which to assess if pressure or misrepresentation was used to gain the signatures. There is always a question as to where those whose names appear on the petition were made fully aware of all facts and issues." Center for Public Policy and Administration University of Utah. (1999). *The Public Meeting: Assuring Procedural Due Process*. SLC, UT

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¹⁶ There are four council districts; contact information for councilmen can be found on the City's website www.cottonwoodheights.utah.gov

¹⁷ The BOA is organized pursuant to section §10-9a-701 of the UTAH STATE CODE Ann.

¹⁸ "Substantial evidence is that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion." Patterson v. Utah County Bd. of Adjustment, 893 P.2d 602, 604 n.6 (Utah Ct. App. 1995)

¹⁹ Cottonwood Heights Municipal Code. §19.92.080(C); §19.92.080(D)

Frequently Asked Questions**1. What are the types of planning applications?**

- a. General Plan Amendments – Legislative
- b. Zoning Designation Amendments (Zone Change) – Legislative
- c. Zoning Text Amendment – Legislative
- d. Conditional Use – Land Use
 - i. PUDs
 - ii. Commercial Buildings
 - iii. Multi-family developments
- e. Permitted Uses – Land Use
 - i. Minor subdivisions
 - ii. Single-family dwellings

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2. Which applications require public hearings?

- a. Legislative decisions
- b. Conditional Uses for proposed subdivisions (larger than 9 units), amendments to recorded subdivision plats, multiple-unit residential buildings, commercial buildings, and industrial buildings (10-9a-207).

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3. How does the City notify the public of a hearing for a General plan amendment (10-9a-204)?

- a. Ten days prior to the public hearing notice shall be made through:
 - i. Publication in a newspaper of general circulation
 - ii. Mailed to each affected entity
 - iii. Posted in at least three public places (City Hall, Whitmore Library and Cottonwood Heights Rec. Center), or on the City website
- b. 24 hours prior to the meeting the agenda shall be submitted to a newspaper of general circulation, posted in three public places or on the City's website.
- c. In addition, the City offers automated notification through the City's website. Simply sign up to receive agendas and 24 hours prior to any meeting an agenda will be emailed to you.

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4. How does the City notify the public of a hearing for the adoption or modification of a land use ordinance (10-9a-205)?

- a. Ten days prior to the public hearing notice shall be made through:
 - i. Publication in a newspaper of general circulation or mailed to property owners whose land is directly affected by the land use ordinance change
 - ii. Mailed to each affected entity
 - iii. Posted in at least three public places (City Hall, Whitmore Library and Cottonwood Heights Rec. Center), or on the City website
- b. 24 hours prior to the meeting the agenda shall be submitted to a newspaper of general circulation, posted in three public places or on the City's website.
- c. In addition, the City offers automated notification through the City's website. Simply sign up to receive agendas and 24 hours prior to any meeting an agenda will be emailed to you.

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5. How does the City notify the public of public hearing related to conditional uses and some permitted uses (10-9a-207)?

- a. No less than three days before the public hearing:
 - i. Notice shall be made via USPS to property owners within a specified radius of the property.
 - ii. Notice shall be posted on the property with a sign of significant size to notify passers by of the public hearing.

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6. How do I stay in touch with what the City is doing with land use ordinances and the general plan, as well as what private land owners have applied for on their property?

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Item 6.0 PLANNING DIRECTOR'S REPORT

We have scheduled two public hearing for the meeting on September 3, 2008. These two hearings are for the amendments to chapter 19.76 (Supplementary and Qualifying Regulation) and all of the residential zone and their listed conditional uses.

With regard to the City Center Master Plan, we are nearing completion of the draft of the master plan. The City Council will receive comment on their first meeting in August. After the Council reviews the draft plan, the item will be scheduled for more public input at the Council level.

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